



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, February 15, 2022 6:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose City Council is pleased to have residents of the community take time to attend City Council meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

Public participation for this meeting will be in person in the City Council Chambers and via Zoom at the following link: https://us02web.zoom.us/webinar/register/WN_sgcNcAERZS_21ZrKJRTZA
Telephone participation is available at: 1-253-215-8782 or 1-346-248-7799. Webinar ID: 815 1779 9757

The meeting can be viewed via livestream at <https://www.cityofmontrose.org/759/Live-Meetings-Viewer>.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email planningmail@ci.montrose.co.us at least three days before the meeting.

- 1) City Council meeting called to order by
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

The “Call for Public Comment” agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time.

Comments made during this time should be addressed to the Council and pertain to matters of at least general importance to the City and its operations. Please be aware that neither City Council nor City staff are expected to respond or engage in discussion or debate. Personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs are prohibited, as is any “disorderly conduct” which violates state or local law and shall not be permitted.

**Please note that the times listed are estimates only. Actual times may vary depending upon discussion and public comment received.*



6) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the January 31, 2022 special City Council meeting, the February 1, 2022 regular City Council meeting, and the February 2, 2022 special City Council meeting. *Staff: City Clerk Lisa DelPiccolo* **5-10**

Action: Consider making a motion to approve the minutes of the January 31, 2022 special City Council meeting, the February 1, 2022 regular City Council meeting, and the February 2, 2022 special City Council meeting as presented.

7) RESOLUTION 2022-03 (10 minutes)

City Council consideration of Resolution 2022-03, A Resolution of the City Council of the City of Montrose, Colorado, authorizing the filing of a Community Development Block Grant application in order to fund economic development opportunities for persons of low and moderate incomes. *Staff: Community Programs Manager Kendall Cramer* **11-12**

Action: Hold a hearing. Consider making a motion to adopt Resolution 2022-03 as presented.

8) RESOLUTION 2022-04 (10 minutes)

City Council consideration of Resolution 2022-04, authorizing the City of Montrose Police Department to file a Victims of Crime Act (VOCA) Grant through the Colorado Department of Public Safety, Division of Criminal Justice for a 2-year grant totaling \$65,000, for the 2-year lease of a Victim Services vehicle at \$11,000 (\$5,500 per year), \$54,000.00 (\$27,000 per year) for 49.09% of the full-time base salary of the Victim Advocate position for 2023/2024; authorizing a grant match of \$16,250.00 (\$8,125 per year); authorizing the Chief of Police to act in connection with the application and to provide such additional information as may be required; and authorizing the City Manager, Chief of Police and Finance Director to sign the grant application documents. *Staff: Police Chief Blaine Hall* **13**

Action: Accept public comment. Consider making a motion to adopt Resolution 2022-04 as presented.

9) ORDINANCE 2563 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2563 on first reading, an Ordinance of the City of Montrose, Colorado, extending the temporary moratorium to prohibit the establishment of any new or relocation of existing adult gaming arcade uses within the City limits of the City of Montrose; providing that the moratorium shall be in effect for a period which shall terminate at the earliest of the City's adoption of an amendment to Title 4, Chapter 14 Adult Business Regulations, or the expiration of three hundred sixty-five (365) days from date of passage of Emergency Ordinance 2560; providing for legislative findings, intent, and purpose; providing for a revised definition of the use of adult gaming arcades for the purposes of this Ordinance; providing repealing clauses; and providing an effective date. *Staff: Assistant City Attorney Matthew Magliaro* **14-30**



Action: Hold a hearing. Consider making a motion to pass Ordinance 2563 on first reading as presented.

10) ORDINANCE 2577 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2577 on first reading, An Ordinance of the City of Montrose, Colorado, updating Title 6 Chapter 1, Miscellaneous Offenses: repealing and recodifying Title 6 Chapter 1 Section 27 (6-1-27) only regarding underage possession of tobacco/cannabis and paraphernalia, adding Title 6 Chapter 1 Section 26 (6-1-26) regarding underage possession of tobacco and tobacco paraphernalia; repealing and replacing Title 6 Chapter 1 Section 27 (6-1-27) regarding underage possession of cannabis and cannabis paraphernalia. *Staff: Assistant City Attorney Matthew Magliaro* **31-48**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2577 on first reading as presented.

11) ORDINANCE 2579 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2579 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of the Yocum Addition from "R-2" Low Density District to "R-3A" Medium High Density District. *Staff: Senior Planner Amy Sharp* **49-59**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2579 on first reading as presented.

12) ORDINANCE 2578 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2578 on first reading, an Ordinance of the City of Montrose, Colorado, updating Title 4, Chapter 15, Historic Preservation Regulations of the City of Montrose: Amending Title 4 Chapter 15 Section 2 (4-15-2) regarding the composition of the Historic Preservation Commission. *Staff: Planner I William Reis* **60-65**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2578 on first reading as presented.

13) HISTORIC PRESERVATION COMMISSION BYLAWS (10 minutes)

City Council consideration of a review and update of the Historic Preservation Commission Bylaws. *Staff: Planner I William Reis* **66-72**

Action: Accept public comment. Consider making a motion to approve the Historic Preservation Commission Bylaws as presented.



14) ORDINANCE 2580 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2580 on first reading, an Ordinance of the City of Montrose, Colorado, designating the S.H. Nye Building, 428 E Main Street, Montrose, Colorado, as a City of Montrose Historic Property Pursuant to § 4-15 of the Official Code of the City of Montrose. *Staff: Planner I William Reis 73-75*

Action: Hold a hearing. Consider making a motion to adopt Ordinance 2580 on first reading as presented.

15) BUCKLEY/LIONS PARK IRRIGATION REPLACEMENT CONTRACT RECOMMENDATION (10 minutes)

City Council consideration of the award of a contract to Stryker and Company, Inc. in the amount of \$802,073.74 for the Buckley/Lions Irrigation Replacement Project. *Staff: Public Works Manager Jim Scheid 76-78*

Action: Accept public comment. Consider making a motion to award a contract to Stryker and Company, Inc. in the amount of \$802,073.74 for the Buckley/Lions Irrigation Replacement Project as presented.

16) STAFF REPORTS

- A) Sales, Use, and Excise Tax Report (5 minutes)
Staff: Finance Director Shani Wittenberg 79-84
- B) Fourth Quarter Budget Review (5 minutes)
Staff: Finance Director Shani Wittenberg 85-93

17) YOUTH CITY COUNCIL COMMENTS

18) CITY COUNCIL COMMENTS

19) MOTION TO ADJOURN

A special meeting of the Montrose City Council was held on Monday, January 31, 2022, at 12:00 p.m., or immediately following the City Council work session, in the City Council Chambers of the Elks Civic Building, 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Bill Bell, Ann Morgenthaler, Chris Dowsey, Lisa DelPiccolo

CALL TO ORDER

Mayor Doug Glaspell called the special meeting to order at 11:14 a.m.

EXECUTIVE SESSION

At 11:15 a.m., a motion was made by Barbara Bynum, seconded by Anthony Russo, to enter into an executive session for a conference with the City Attorney for the purpose of receiving legal advice pursuant to C.R.S. Section 24-6-402(4)(b) and the following additional details are provided for identification purposes: discussion of litigation. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 11:47 a.m.

At 11:48 a.m. a motion was made by Dave Frank to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

Doug Glaspell, Mayor

Lisa DelPiccolo, City Clerk

A regular meeting of the Montrose City Council was held on Tuesday, February 1, 2022 at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law. Public participation for this meeting was held in person and via Zoom. The meeting agenda included a Zoom link and phone numbers for public participation.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Harrison Hall, Bill Bell, Ann Morgenthauer, Greg Story, Lisa DelPiccolo, Scott Murphy, Jim Scheid, Lisa Kuczmarski, Blaine Hall, David Bries, Amy Sharp, Matthew Magliaro, Chris Dowsey, Kendall Cramer, Matt Smith, William Reis, Christine Aslakson, Ross Valdez, Shani Wittenberg, Terri Wilcox

GUESTS: Marci Miles, Matt Miles, Jeremy Master, Steve Stevenson, Colleen Aller, David Dragoo, Lana Kinsey

CALL TO ORDER

Mayor Doug Glaspell called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Youth City Council Representative Harrison Hall.

CHANGES TO THE AGENDA

No changes were made to the agenda.

OATH OF OFFICE FOR ASSISTANT CITY ATTORNEY CHRIS DOWSEY

Mayor Doug Glaspell administered the Oath of Office to Assistant City Attorney Chris Dowsey.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the January 18, 2022 special City Council meeting and the January 18, 2022 regular City Council meeting.

A motion was made by Dave Frank, seconded by J. David Reed, to approve the minutes of the January 18, 2022 special City Council meeting and the January 18, 2022 regular City Council meeting as presented. All voted yes. Motion passed.

TRATTORIA DI SOFIA EXPANSION SUPPORT

City Council considered the DART Commercial Kitchen/Small Business Expansion Project for Trattoria Di Sofia including a Business Expansion Loan of \$88,750.00 and a DART Commercial Kitchen Program Capital Incentive of \$250,000.00.

City Manager Bill Bell reported that the owners of Trattoria Di Sofia were present at a previous work session and shared their vision, goals and business plan with City Council. Mr. Bell said that David Dragoo and Colleen Aller with Colorado Outdoors were present at this meeting to answer questions. Mr. Bell presented an overview of DART resources for small businesses throughout the community and the Commercial Kitchen Expansion Program. Mr. Bell stated that the restaurant will relocate to the north end of the Colorado Outdoors development near the new Marriott Fairfield Inn. Mr. Bell said that the hotel will provide breakfast only, and Trattoria Di Sofia will fulfill the need for sit-down dining.

Mr. Bell stated that proposal has two components, approval of \$250,000.00 for the installation of a commercial kitchen, and a small business expansion loan of \$88,750.00. Mr. Bell said the loan is a five-year forgivable loan, with 20 percent forgiven per year. The new location will have increased seating, including an outdoor seating area, which will allow the restaurant to serve more local customers and become regional destination.

Mr. Bell stated that Shaw Construction will install the commercial kitchen, and payment will be made directly to the contractors. The total project cost is \$802,000.00, and estimates and employment projections are included in the meeting packet.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Anthony Russo, to approve a Business Expansion Loan of \$88,750.00 and a DART Commercial Kitchen Program Capital Incentive of \$250,000.00 as presented. All voted yes. Motion passed.

INTROGOVERNMENTAL AGREEMENT WITH MONTROSE RECREATION DISTRICT

City Council considered an Intergovernmental Agreement between the City of Montrose and Montrose Recreation District Regarding Shared Services.

Community Programs Manager Kendall Cramer reported that an annual review was conducted of the agreement in place with Montrose Recreation District. Mr. Cramer provided an overview of the changes for 2021. The City will perform crack seal maintenance on half of the Community Recreation Center parking lot in exchange for turf maintenance at the new amphitheater facility. Other changes include clarification of event scheduling and an updated cost schedule. Mr. Cramer said the IGA was reviewed at the January 18 work session and approved by the Montrose Recreation District on January 22.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by J. David Reed, to approve the 2022 equipment disposal list as presented. All voted yes. Motion passed.

BEAR CREEK FILING #6 FINAL PLAT

City Council considered the Bear Creek Filing #6 Final Plat to create 38 new residential lots.

Senior Planner Amy Sharp reviewed the location of the 36.15 parcel south of Lincoln Road and west of County Road 6600 and the proposal to create 38 new single-family residential lots. The current zoning of the property is R-3A, Medium High Density District, and R-5, Low Density/Manufactured Housing District. Ms. Sharp stated that single-family homes are a use by right in both zoning designations. The preliminary plat was approved in September 2021.

Ms. Sharp reviewed final plat requirements and recommended approval with the standard condition.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to approve the Bear Creek Filing #6 Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All voted yes. Motion passed.

EQUIPMENT PURCHASE RECOMMENDATION

City Council considered the purchase of two dump trucks from Jackson Group Peterbilt of Grand Junction for the total purchase price of \$493,078.90.

Public Works Manager Jim Scheid reported that the dump trucks scheduled for replacement are 16 and 17 years old. The replacement cost has been collected through the Fleet Interfund Lease, and the purchase is included in the 2022 budget.

Mr. Scheid stated that a cooperative purchasing agreement was used to take advantage of government pricing. Mr. Scheid said the purchase amount exceeds the amount budgeted, but the overage should be absorbed by other under-budget purchases. Ms. Scheid said that the current vehicles will remain in use until new trucks arrive at the end of the year and then will be sold at auction.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Anthony Russo, to approve the purchase of two dump trucks from Jackson Group Peterbilt of Grand Junction for the total purchase price of \$493,078.90 as presented. All voted yes. Motion passed.

YOUTH CITY COUNCIL COMMENTS

Youth City Council Representative Harrison Hall reported that the Youth City Council was awarded a \$1,000.00 grant from Montrose Hardware that will be applied to future Rock the Rec events. Youth Councilors also met with Assistant City Attorney Matthew Magliaro to discuss the Municipal Code changes related to underage possession of tobacco and cannabis.

STAFF REPORTS

Chief Blaine Hall reported that a Citizens Police Academy is scheduled to begin on March 2. The Academy will include 14 session from 6:30 until 8:30 p.m. on Wednesdays. Chief Hall stated that a Latinx Academy was rescheduled and will begin on April 12.

Chief Hall announced that the Montrose Police Department will hold a second local recruitment event on April 19 at the Montrose County Event Center.

CITY COUNCIL COMMENTS

No City Council comments were provided.

MOTION TO ADJOURN

At 6:31 p.m., a motion was made by Anthony Russo, seconded by Barbara Bynum, to adjourn the meeting with no further action taken.

ATTEST:

Douglas Glaspell, Mayor

Lisa DelPiccolo, City Clerk

A special meeting of the Montrose City Council was held on Wednesday, February 2, 2022, at 2:30 p.m. in the City Council Chambers of the Elks Civic Building, 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Bill Bell, Charles Greenacre, Terri Wilcox, Lisa DelPiccolo

CALL TO ORDER

Mayor Doug Glaspell called the special meeting to order at 2:36 p.m.

EXECUTIVE SESSION

At 2:36 p.m., a motion was made by J. David Reed, seconded by Anthony Russo, to enter into an executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f). All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 3:15 p.m.

At 3:15 p.m. a motion was made by Dave Frank to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

Doug Glaspell, Mayor

Lisa DelPiccolo, City Clerk

RESOLUTION NO. 2022-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, AUTHORIZING THE FILING OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN ORDER TO FUND ECONOMIC DEVELOPMENT OPPORTUNITIES FOR PERSONS OF LOW AND MODERATE INCOMES

WHEREAS, the City of Montrose, Colorado, desires to apply for grant funding in order to provide sub-grant funding to Haven House of Montrose, Inc., a Colorado Nonprofit Corporation doing business as “Haven House”, which provides assistance to individuals and families adjusting from homelessness to a self-sustaining lifestyle, and meets the 51% low-to-moderate income eligibility requirements to apply for a Community Development Block Grant (“CDBG”); and

WHEREAS, approximately 85% of clients served by Haven House are from Montrose and Delta Counties and Haven House services provide regional benefits;

WHEREAS, Haven House owns property and seeks to expand its current facility at 4806 N. River Road, Olathe, CO 81425, by adding additional low-income and transitional housing units and establishing a Colorado-licensed early childhood education program, in order to continue providing assistance to the Montrose community and surrounding region; and

WHEREAS, the City of Montrose requests a Community Development Block Grant, administered by the Colorado Department of Local Affairs (“DOLA”), in an amount up to \$600,000 for the aforementioned community development project; and

WHEREAS, the City of Montrose and Haven House shall enter into an agreement for the provision of CDBG funding to assist with construction costs of the project; and

WHEREAS, the City of Montrose shall submit a grant application to DOLA to assist with construction costs of the aforementioned project.

NOW THEREFORE, be it resolved by the City Council of the City of Montrose, Colorado as follows:

Section 1: If the grant is awarded, the City Council hereby authorizes the City Manager to execute the grant contract with DOLA, and City Staff to act in connection with the CDBG grant application, follow CDBG regulations, and DOLA requirements, and to provide such additional information as may be required by DOLA.

RESOLVED AND ADOPTED this 15th day of February, 2022, by the City Council of the City of Montrose.

CITY OF MONTROSE, COLORADO

Douglas Glaspell, Mayor

ATTEST

Lisa DelPiccolo, City Clerk

RESOLUTION NO. 2022-04

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

WHEREAS, the Montrose Police Department is mandated by the Colorado Constitution to guarantee certain rights to victims of violent crimes; and

WHEREAS, the Montrose Police Department received approximately 32,028 calls for service in 2021; and

WHEREAS, many of these calls for service involve violent crimes, including assaults, domestic violence, sexual assaults and child abuse; and

WHEREAS, the Montrose Police Department wishes to continue to employ a full-time Victim's Advocate to provide on-scene and follow-up services for victims of crime.

NOW, THEREFORE, the City Council of the City of Montrose:

- Authorizes the City of Montrose Police Department to file a Victims of Crime Act (VOCA) Grant through the Colorado Department of Public Safety, Division of Criminal Justice for a two year grant totaling \$65,000, for the 2-year lease of a Victim Services vehicle at \$11,000 (\$5,500 per year), \$54,000.00 (\$27,000 per year) for 49.09% of the full-time base salary of the Victim Advocate position for 2023/2024. The grant requires \$16,250.00 total cash match (\$8,125 per year).
- Authorizes the Chief of Police to act in connection with the application and to provide such additional information as may be required.
- Authorizes the City Manager, Chief of Police and Finance Director to sign the grant application documents.

ADOPTED this 15th of February, 2022, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

By _____
Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2563

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, EXTENDING THE TEMPORARY MORATORIUM TO PROHIBIT THE ESTABLISHMENT OF ANY NEW OR RELOCATION OF EXISTING ADULT GAMING ARCADE USES WITHIN THE CITY LIMITS OF THE CITY OF MONTROSE; PROVIDING THAT THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD WHICH SHALL TERMINATE AT THE EARLIEST OF THE CITY'S ADOPTION OF AN AMENDMENT TO TITLE 4, CHAPTER 14 ADULT BUSINESS REGULATIONS, OR THE EXPIRATION OF THREE HUNDRED SIXTY-FIVE (365) DAYS FROM DATE OF PASSAGE OF EMERGENCY ORDINANCE 2560; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT, AND PURPOSE; PROVIDING FOR A REVISED DEFINITION OF THE USE OF ADULT GAMING ARCADES FOR THE PURPOSES OF THIS ORDINANCE; PROVIDING REPEALING CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Montrose is a home rule municipal corporation operating under adopted charter pursuant to § 6 of Article XX of the Colorado Constitution; and

WHEREAS, Article XVIII, §§2 and 9 of the Colorado Constitution regulates unlicensed gaming, and authorizes limited gaming only within the commercial districts in municipal limits of Central, Black Hawk and Cripple Creek in the State of Colorado; and

WHEREAS limited gaming, defined in Article XVIII, § 9(4)(b) of the Colorado Constitution to include “the use of slot machines,” is unlawful within any city that has not approved the expansion of limited gaming by the procedure set forth in Article XVIII, § 9(6) of a statewide vote on a constitutional amendment followed by a second affirmative vote of the majority of electors in the city, town, or county in which limited gaming will occur; and

WHEREAS limited gaming has not been so approved within the municipal limits of the City of Montrose and accordingly “shall not be lawful” in the City of Montrose under Article XVIII, § 9(6) of the Colorado Constitution; and

WHEREAS, the Colorado Supreme Court has recognized the authority of a home rule municipality to enact regulation of gambling as a matter of local concern, in *Woolverton v City and County of Denver*, 361 P.2d 982, 988-990 (Colo. 1961), *overruled on other grounds by, Vela v People*, 484 P.2d 1204 (Colo. 1971); and

WHEREAS, the State of Colorado has recognized the authority of municipal governments, in relation to their general police powers enumerated in C.R.S. § 31-15-

401(1)(a)-(q), to declare what is a nuisance, to set punishments and abate declared nuisances, “to suppress gaming and gambling houses, lotteries, and fraudulent devices and practices for the purpose of gaining or obtaining money or property[,]” and to enact and enforce ordinances prohibiting the activity of gambling and uses of any gambling device; and

WHEREAS, there are now existing within the jurisdiction boundaries of the City of Montrose establishments that are engaged in the business of providing access to and the use of video gaming machines that accept money from patrons and pay monetary prizes in cash that may from known mechanics of operation fit the legal definition of slot machine, gambling device, and/or simulated gambling device prohibited under Colorado state law; and

WHEREAS, the businesses engaged in this activity referred herein as Adult Gaming Arcades sited within the jurisdictional boundaries of the City of Montrose have had secondary, negative impact upon neighboring business, the community and the public in the form of increased crime, to wit: illegal drug usage; illegal drug distribution; public intoxication; violent crime and increased calls for service at and around their locations from the Montrose Police Department; and

WHEREAS, the City Council of the City of Montrose unanimously voted to adopt Emergency Ordinance 2560 on September 21st, 2021, in order to impose a one hundred eighty (180) day moratorium on new or relocating Adult Gaming Arcade establishments pursuant to its home rule authority provided under the Colorado Constitution, Article XX, Section 6, and the Montrose City Charter, Article II, Section 8, which conveys police power authority to act for the benefit of and preservation of public property, health, peace, or safety within the City limits; and

WHEREAS, the Montrose City Council, in promulgating this extension, expressly incorporates and makes findings based upon the record received in conjunction with Emergency Ordinance 2560 at the September 20, 2021, work session, the September 21, 2021, special session; and

WHEREAS, the moratorium’s continued intent is to allow City staff sufficient time to evaluate the legality of the use referred to as Adult Gaming Arcades, to coordinate with law enforcement partners to include the State of Colorado, and to help prevent prospective business operators from opening new businesses within city limits that could be determined to be establishments offering simulated gambling prohibited by Colorado law; and

WHEREAS, the City’s Adult Business Regulations are a matter of local control and purposed to promote the public health, safety, and welfare; and

WHEREAS, the City's Adult Business Regulations are updated from time to time;
and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF MONTROSE, COLORADO that:

The following Sections of Title 4 Chapter 14 of the Official Code of the City of Montrose, Colorado, only are hereby repealed and replaced: Title 4 Chapter 14 Section 1 (§ 4-14-1) is hereby repealed and replaced; and Title 4 Chapter 14 Section 10 (§ 4-14-10) is hereby repealed and replaced. This version supersedes all previous versions to read in full as follows:

4-14-1. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Adult arcade means any commercial establishment to which the public is permitted or invited where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image or virtual reality producing machines, for viewing by five or fewer persons per machine at any one time, are used regularly to show films, motion pictures, video cassettes, slides, or other photographic, digital or electronic reproductions describing, simulating or depicting specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store, or adult video store means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, however produced, that depict or describe specified sexual activities or specified anatomical areas; or
- (B) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

Adult cabaret means a nightclub, bar, restaurant, concert hall, auditorium or other commercial establishment that features:

- (A) Persons who appear nude or in a state of nudity or seminudity; or
- (B) Live performances that are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities.

Adult Gaming Arcade means any business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person or by that person's partners, affiliates, subsidiaries, agents, or contractors which features (i) slot

machine(s), (ii) gambling device(s), (iii) simulated gambling device(s), or (iv) any mechanical, electrical, video, electronic, or other device, contrivance or machine which after insertion or conveyance of a coin, debit card, credit card, cash, virtual currency, token or similar object or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance, or both, may deliver or entitle the player operating the machine to receive monetary compensation and/or redeemable game credits, or any other thing of value. This definition expressly includes any tabletop or standing electronic display with one or more stations featuring buttons, joysticks, or other control(s) that delivers to the player cash, cash premiums, prize(s), redeemable game credits or any other thing of value for successful play, whether the redeemable payout is made automatically from the machine or from an employee of the business location, to include 'fish game' 'fish game table' 'fish game gambling table' however denominated. This definition expressly excludes any business location which features bona fide amusement devices that pay nothing of value, cannot be adjusted to pay anything of value, provide only unredeemable free games, or provide only tickets redeemable for nonmonetary prizes consisting of toys or novelties of nominal value; crane games; vintage slot machine models introduced on the market in 1984 as described in this Section; coin-operated music machines; or any bona fide amusement device authorized within restaurants by Colorado Revised Statute § 44-3-103(47).

Adult motel means a hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other media productions, however produced, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and which commercial establishment has a sign visible from the public right-of-way which advertises the availability of this adult type of media production.

Adult motion picture theater means a commercial establishment that is distinguished or characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, or similar photographic reproductions, on more than 100 days per year, that have an "X" rating or that have an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by an emphasis on exposure of specified anatomical areas or by specified sexual activities.

Commercial establishment means an establishment that may have other principal business purposes that do not involve the depicting or describing specified sexual activities or specified anatomical areas and still be categorized as a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented business so long as one of

its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe specified sexual activities or specified anatomical areas. The term "commercial establishment" includes clubs, fraternal organizations, social organizations, civic organizations or other similar organizations with paid memberships.

Crane Game means an amusement machine that, upon insertion of a coin, bill, token, or similar object, allows the player to use one or more buttons, joysticks, or other controls to maneuver a crane or claw over a nonmonetary prize, toy, or novelty, none of which shall have a cost of more than twenty-five dollars, and then, using the crane or claw, to attempt to retrieve the prize, toy, or novelty for the player.

Employee means a person who works or performs in and/or for a sexually oriented business or an Adult Gaming Arcade, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.

Establishment of a sexually oriented business means and includes any of the following:

- (A) The opening or commencement of any such business as a new business;
- (B) The conversion of an existing business into a sexually oriented business;
- (C) The addition of a different sexually oriented business to any other existing sexually oriented business; or
- (D) The relocation of a sexually oriented business.

Foyer means an architectural element of a building that consists of an entry hall or vestibule that is completely enclosed and contains one door to provide access to areas outside of the building and a separate door to provide access to areas inside of the building.

Gambling Device means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine; except that the term does not include a crane game.

Manager means an operator, who is employed by a sexually oriented business or an Adult Gaming Arcade to act as a manager or supervisor of employees or is otherwise responsible for the operation of the business.

Nudity or state of nudity:

- (A) The appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
- (B) A state of dress which fails, opaquely and fully, to cover human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the female breast.

Nude model studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

Operator means includes the owner, custodian, manager, operator, or person in charge of any sexually oriented business or an Adult Gaming Arcade.

Peep booth means a room, semi-enclosure or other similar area located within a sexually oriented business wherein a person may view representations of specified anatomical areas or specified sexual activities.

Person means an individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

Principal business purpose means any establishment, having as a substantial or significant portion of its stock in trade the items listed in Subsections (A) and (B) of the definition of adult bookstore, adult novelty store, or adult video store in this Section and having on the premises at least 30 percent of the establishment's display space occupied by the display of the items described therein.

Principal owner means any person owning, directly or beneficially:

- (A) Any membership or partnership interest in a limited liability company or limited liability partnership if such person has any legal control or authority over the management or operation of the entity; or
- (B) In the case of any other legal entity, five percent or more of the ownership interests in the entity, except for shareholders, but including such shareholders who are corporate officers or directors or who otherwise have any legal control or authority over the management or operation of the entity.

Prize means a gift, award, gratuity, good, service, credit, or anything else of value, including a thing of value for a "gain" as defined in section 18-10-102 (1), that may be transferred to a customer, whether or not possession of the prize is actually transferred or placed on an account or other record as evidence of the intent to transfer the prize.

"Prize" does not include: **(I)** Free or additional play; **(II)** Any intangible or virtual award that cannot be converted into money, goods, or services; or **(III)** A paper or electronic coupon, whether issued to a player as a single ticket or token or as multiple tickets or tokens, that is won in return for a single play of a device; has a value that does not exceed the equivalent of twenty-five dollars; cannot be exchanged or returned for money, monetary credits, or any financial consideration; and cannot be used to acquire or exchanged for any product that is, contains, or can be used as a constituent part of or accessory for: **(A)** Alcohol beverages; **(B)** Tobacco, tobacco products, marijuana, or smoking; or **(C)** Firearms or ammunition.

Public park means an area of land owned by a governmental entity or private association and intended to be used for recreational purposes, including any such land

that contains no improvements and is intended only for open space purposes, and including any such land that is intended for use only for pathway purposes.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, peep booth or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Colorado engages in medically approved and recognized sexual therapy, or a college, junior college or other institution which houses an adult model studio for artistic or educational purposes.

Seminude or seminudity means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices, which supporting straps or devices are used to support or enable the wearing of such clothing.

Simulated Gambling Device means a mechanically or electronically operated machine, network, system, program, or device that is used by an entrant and that displays simulated gambling displays on a screen or other mechanism at a business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person conducting the game or by that person's partners, affiliates, subsidiaries, agents, or contractors; except that the term does not include bona fide amusement devices, as authorized in Colorado Revised Statute § 44-3-103 (47), that pay nothing of value and cannot be adjusted to pay anything of value. "Simulated gambling device" includes: (I) A video poker game or any other kind of video card game; (II) A video bingo game; (III) A video craps game; (IV) A video keno game; (V) A video lotto game; (VI) A video roulette game; (VII) A pot-of-gold; (VIII) An eight-liner; (IX) A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols; (X) An electronic gaming machine, including a personal computer of any size or configuration that performs any of the functions of an electronic gaming machine; (XI) A slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by Article XVIII, § 9(4)(c) of the Colorado constitution; and (XII) A device that functions as, or simulates the play of, a slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by Article XVIII, § 9(4)(c) of the Colorado constitution. (b) "Simulated gambling device" does not include any pari-mutuel totalisator equipment that is used for pari-mutuel wagering on live or simulcast racing events and that has been approved by the director of the division of racing events for entities authorized and licensed under article 32 of title 44 of the Colorado Revised Statutes.

Slot machine means any mechanical, electrical, video, electronic, or other device, contrivance, or machine which, after insertion of a coin, token, or similar object, or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the

element of chance, or both, may deliver or entitle the player operating the machine to receive cash premiums, merchandise, tokens, redeemable game credits, or any other thing of value other than unredeemable free games, whether the payoff is made automatically from the machines or in any other manner; except that the term does not include a crane game or vintage slot machine models introduced on the market in 1984, does not contain component parts manufactured in 1984 or thereafter and is not used for gambling purposes or limited gaming purposes.

Specified anatomical areas means as used herein means and includes any of the following:

- (A) Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or
- (B) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified criminal acts means sexual crimes against children, sexual abuse, sexual assault, or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity, prostitution, or pandering.

Specified sexual activities means includes any of the following:

- (A) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (C) Masturbation, actual or simulated;
- (D) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- (E) Excretory functions as part of or in connection with any of the activities set forth in Subsections (A) through (D) of this definition.

4-14-10- Adult Gaming Arcades

- (A) **Legislative Declaration.** The Montrose City Council hereby adopts and incorporates the above recital clauses herein by reference in this Ordinance, finds the recitals as true and correct, and to constitute the legislative findings of the City in support of the following ordaining sections. It is the purpose and intent of this Ordinance to promote the health, safety, morals, and general welfare of the residents and businesses of the City by affording time for City staff to conduct analysis of any impact from Adult Gaming Arcades, whether such uses are legal and, if so, can be appropriately sited within the city limits of the City of Montrose with appropriate regulation, or whether such uses are or should be prohibited.

(B) Imposition of Moratorium. A moratorium period is hereby declared on all new establishments not in existence or the relocation of existing establishments as of September 21, 2021, constituting Adult Gaming Arcades, Slot Machine, Gambling Device and Simulated Gambling Device from the effective date of Emergency Ordinance 2560, September 21, 2021, for the period of three hundred sixty-five (365) days to September 21, 2022 (inclusive), or until further action of the City Council ending or modifying this moratorium, whichever occurs first. Such further action shall be taken by resolution by the City Council accordingly. No applications pertaining to sales and use tax, amendments to the official zoning map, site development, liquor license, sign permit or building permit, any development permit, or renewal or transfer of any of the aforementioned shall be accepted for review by the City of Montrose for the moratorium period as defined herein.

(C) Repeal. This section (4-14-10) is repealed, effective 12:01 a.m. September 22, 2022.

This Ordinance shall be deemed severable. Should any phrase, term, section, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unlawful, the remainder of the Ordinance shall remain in full force and effect.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 15th day of February, 2022, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 15th day of February, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 1st day of March, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

4-14-1. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Adult arcade means any commercial establishment to which the public is permitted or invited where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image or virtual reality producing machines, for viewing by five or fewer persons per machine at any one time, are used regularly to show films, motion pictures, video cassettes, slides, or other photographic, digital or electronic reproductions describing, simulating or depicting specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store, or adult video store means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, however produced, that depict or describe specified sexual activities or specified anatomical areas; or
- (B) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

Adult cabaret means a nightclub, bar, restaurant, concert hall, auditorium or other commercial establishment that features:

- (A) Persons who appear nude or in a state of nudity or seminudity; or
- (B) Live performances that are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities.

Adult Gaming Arcade means any business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person or by that person's partners, affiliates, subsidiaries, agents, or contractors which features (i) slot machine(s), (ii) gambling device(s), (iii) simulated gambling device(s), or (iv) any mechanical, electrical, video, electronic, or other device, contrivance or machine which after insertion or conveyance of a coin, debit card, credit card, cash, virtual currency, token or similar object or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance, or both, may deliver or entitle the player operating the machine to receive monetary compensation and/or redeemable game credits, or any other thing of value. This definition expressly includes any tabletop or standing electronic display with one or more stations featuring buttons, joysticks, or other control(s) that delivers to the player cash, cash premiums, prize(s), redeemable game credits or any other thing of value for successful play, whether the redeemable payout is made automatically from the machine or from an employee of the business location, to

include 'fish game' 'fish game table' 'fish game gambling table' however denominated.

This definition expressly excludes any business location which features bona fide amusement devices that pay nothing of value, cannot be adjusted to pay anything of value, provide only unredeemable free games, or provide only tickets redeemable for nonmonetary prizes consisting of toys or novelties of nominal value; crane games; vintage slot machine models introduced on the market in 1984 as described in this Section; coin-operated music machines; or any bona fide amusement device authorized within restaurants by Colorado Revised Statute § 44-3-103(47).

Adult motel means a hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other media productions, however produced, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and which commercial establishment has a sign visible from the public right-of-way which advertises the availability of this adult type of media production.

Adult motion picture theater means a commercial establishment that is distinguished or characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, or similar photographic reproductions, on more than 100 days per year, that have an "X" rating or that have an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by an emphasis on exposure of specified anatomical areas or by specified sexual activities.

Commercial establishment means an establishment that may have other principal business purposes that do not involve the depicting or describing specified sexual activities or specified anatomical areas and still be categorized as a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented business so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe specified sexual activities or specified anatomical areas. The term "commercial establishment" includes clubs, fraternal organizations, social organizations, civic organizations or other similar organizations with paid memberships.

Crane Game means an amusement machine that, upon insertion of a coin, bill, token, or similar object, allows the player to use one or more buttons, joysticks, or other controls to maneuver a crane or claw over a nonmonetary prize, toy, or novelty, none of which shall have a cost of more than twenty-five dollars, and then, using the crane or claw, to attempt to retrieve the prize, toy, or novelty for the player.

Employee means a person who works or performs in and/or for a sexually oriented business or an Adult Gaming Arcade, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.

Establishment of a sexually oriented business means and includes any of the following:

- (A) The opening or commencement of any such business as a new business;
- (B) The conversion of an existing business into a sexually oriented business;
- (C) The addition of a different sexually oriented business to any other existing sexually oriented business; or
- (D) The relocation of a sexually oriented business.

Foyer means an architectural element of a building that consists of an entry hall or vestibule that is completely enclosed and contains one door to provide access to areas outside of the building and a separate door to provide access to areas inside of the building.

Gambling Device means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine; except that the term does not include a crane game.

Manager means an operator, who is employed by a sexually oriented business or an Adult Gaming Arcade to act as a manager or supervisor of employees or is otherwise responsible for the operation of the business.

Nudity or state of nudity:

- (A) The appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
- (B) A state of dress which fails, opaquely and fully, to cover human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the female breast.

Nude model studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

Operator means includes the owner, custodian, manager, operator, or person in charge of any sexually oriented business or an Adult Gaming Arcade.

Peep booth means a room, semi-enclosure or other similar area located within a sexually oriented business wherein a person may view representations of specified anatomical areas or specified sexual activities.

Person means an individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

Principal business purpose means any establishment, having as a substantial or significant portion of its stock in trade the items listed in Subsections (A) and (B) of the definition of adult bookstore, adult novelty store, or adult video store in this Section and having on the premises at least 30 percent of the establishment's display space occupied by the display of the items described therein.

Principal owner means any person owning, directly or beneficially:

- (A) Any membership or partnership interest in a limited liability company or limited liability partnership if such person has any legal control or authority over the management or operation of the entity; or
- (B) In the case of any other legal entity, five percent or more of the ownership interests in the entity, except for shareholders, but including such shareholders who are corporate officers or directors or who otherwise have any legal control or authority over the management or operation of the entity.

Prize means a gift, award, gratuity, good, service, credit, or anything else of value, including a thing of value for a “gain” as defined in section 18-10-102 (1), that may be transferred to a customer, whether or not possession of the prize is actually transferred or placed on an account or other record as evidence of the intent to transfer the prize. “Prize” does not include: (I) Free or additional play; (II) Any intangible or virtual award that cannot be converted into money, goods, or services; or (III) A paper or electronic coupon, whether issued to a player as a single ticket or token or as multiple tickets or tokens, that is won in return for a single play of a device; has a value that does not exceed the equivalent of twenty-five dollars; cannot be exchanged or returned for money, monetary credits, or any financial consideration; and cannot be used to acquire or exchanged for any product that is, contains, or can be used as a constituent part of or accessory for: (A) Alcohol beverages; (B) Tobacco, tobacco products, marijuana, or smoking; or (C) Firearms or ammunition.

Public park means an area of land owned by a governmental entity or private association and intended to be used for recreational purposes, including any such land that contains no improvements and is intended only for open space purposes, and including any such land that is intended for use only for pathway purposes.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, peep booth or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Colorado engages in medically approved and recognized sexual therapy, or a college, junior college or other institution which houses an adult model studio for artistic or educational purposes.

Seminude or seminudity means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices, which supporting straps or devices are used to support or enable the wearing of such clothing.

Simulated Gambling Device means a mechanically or electronically operated machine, network, system, program, or device that is used by an entrant and that displays simulated gambling displays on a screen or other mechanism at a business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person conducting the game or by that person's partners, affiliates, subsidiaries, agents, or contractors; except that the term does not include bona fide amusement devices, as authorized in Colorado Revised Statute § 44-3-103 (47), that pay nothing of value and cannot be adjusted to pay anything of value. "Simulated gambling device" includes: (I) A video poker game or any other kind of video card game; (II) A video bingo game; (III) A video craps game; (IV) A video keno game; (V) A video lotto game; (VI) A video roulette game; (VII) A pot-of-gold; (VIII) An eight-liner; (IX) A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols; (X) An electronic gaming machine, including a personal computer of any size or configuration that performs any of the functions of an electronic gaming machine; (XI) A slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by Article XVIII, § 9(4)(c) of the Colorado constitution; and (XII) A device that functions as, or simulates the play of, a slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by Article XVIII, § 9(4)(c) of the Colorado constitution. (b) "Simulated gambling device" does not include any pari-mutuel totalisator equipment that is used for pari-mutuel wagering on live or simulcast racing events and that has been approved by the director of the division of racing events for entities authorized and licensed under article 32 of title 44 of the Colorado Revised Statutes.

Slot machine means any mechanical, electrical, video, electronic, or other device, contrivance, or machine which, after insertion of a coin, token, or similar object, or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance, or both, may deliver or entitle the player operating the machine to receive cash premiums, merchandise, tokens, redeemable game credits, or any other thing of value other than unredeemable free games, whether the payoff is made automatically from the machines or in any other manner; except that the term does not include a crane game or vintage slot machine models introduced on the market in 1984, does not contain component parts manufactured in 1984 or thereafter and is not used for gambling purposes or limited gaming purposes.

Specified anatomical areas means as used herein means and includes any of the following:

- (A) Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or
- (B) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified criminal acts means sexual crimes against children, sexual abuse, sexual assault, or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity, prostitution, or pandering.

Specified sexual activities means includes any of the following:

- (A) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (C) Masturbation, actual or simulated;
- (D) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- (E) Excretory functions as part of or in connection with any of the activities set forth in Subsections (A) through (D) of this definition.

4-14-10 Adult Gaming Arcades

- (A) **Legislative Declaration.** The Montrose City Council hereby adopts and incorporates the above recital clauses herein by reference in this Ordinance, finds the recitals as true and correct, and to constitute the legislative findings of the City in support of the following ordaining sections. It is the purpose and intent of this Ordinance to promote the health, safety, morals, and general welfare of the residents and businesses of the City by affording time for City staff to conduct analysis of any impact from Adult Gaming Arcades, whether such uses are legal and, if so, can be appropriately sited within the city limits of the City of Montrose with appropriate regulation, or whether such uses are or should be prohibited.
- (B) **Imposition of Moratorium.** A moratorium period is hereby declared on all new establishments not in existence or the relocation of existing establishments as of September 21, 2021, constituting Adult Gaming Arcades, Slot Machine, Gambling Device and Simulated Gambling Device from the effective date of ~~this Emergency Ordinance 2560~~, September 21, 2021, for the period of ~~one~~ **three** hundred ~~eighty~~ **sixty-five** (180-365) days to **September 21** ~~March 20~~, 2022 (inclusive), or until further action of the City Council ending or modifying this moratorium, whichever occurs first. Such further action shall be taken by resolution by the City Council accordingly. No applications pertaining to sales and use tax, amendments to the

official zoning map, site development, liquor license, sign permit or building permit, any development permit, or renewal or transfer of any of the aforementioned shall be accepted for review by the City of Montrose for the moratorium period as defined herein.

(C) Repeal. This section (4-14-10) is repealed, effective 12:01 a.m. September 22,
~~March 20~~, 2022.

MEMORANDUM

TO: Montrose City Council
FROM: Matthew Magliaro, Assistant City Attorney Public Safety
DATE: February 10, 2022
RE: Recodification of Montrose Official Code Section 6-1-27 Underage Possession of Tobacco/Cannabis and Paraphernalia

Synopsis:

Montrose Code Section 6-1-27 in current form contains four separate crimes: (1) possession, use or consumption of cigarettes or tobacco products (including chewing tobacco) by any person under the age of 18; (2) the knowing possession of ‘smoking paraphernalia’ at or upon any public place by any person under the age of 18; (3) possession, use or consumption of cannabis or cannabis products by those under the age of 21; and (4) the knowing possession of ‘drug paraphernalia’ by those under the age of 21 to introduce cannabis or cannabis products into the human body, in violation of the laws of Montrose. The ordinance also contains two separate definition sections all bearing subparts, one affirmative defense, and three separate penalty provisions.

MC § 6-1-27 has a complicated structure that makes it difficult to read and to cite correctly on a charging document. By way of example, the correct legal citation to underage possession of a vape pen containing a tobacco product is MC § 6-1-27(I)(C), (I)(A)(3); for underage consumption of cannabis, MC § 6-1-27(II)(A); and for possession of a glass bong containing a cannabis product, MC § 6-1-27(II)(D)(1)(g)(xi), (II)(D)(3)(a). The uniform citation and complaint form used by Montrose Police Department only lists ‘MC 6-1-27’ with no subsections specified, requiring the officer to write in the precise subsection of charge or the municipal prosecutor to orally move to clarify the charge at the initial appearance of the defendant for advisement. The latter happens on nearly every municipal court docket.

Council Consideration:

This proposal was discussed at recorded work sessions held January 3rd, 2022, and January 31st, 2022.

Before City Council is a proposal to repeal MC § 6-1-27 only, and recodify it into two separate sections: Underage Possession of Tobacco and Tobacco Paraphernalia in MC § 6-1-26 and Underage Possession of Cannabis and Cannabis Paraphernalia in MC § 6-1-27. Sections have been moved internally within both as part of the recodification to follow a pattern order: (1) the substantive crimes; (2) definitions, arranged in alphabetical order; and (3) penalty for the substantive crimes. Subheadings on the penalty sections were added for additional clarity. Edits were made for consistency of language, and to express more gender inclusive nomenclature.

Substantive edits were made to replace the undefined term ‘smoking paraphernalia.’ The intent of these edits is to provide express cross-reference to the extensive definition and

considerations for ‘drug paraphernalia’ as codified in ordinance. The definition of ‘drug paraphernalia’ in turn follows the Colorado Revised Statutes defining drug paraphernalia, C.R.S. §§ 18-18-425 through -428. An earlier draft of this proposal was presented at work session held January 3, 2022. Since that presentation, staff worked to recodify the prohibition on minor possession of paraphernalia in the tobacco section of the proposed ordinance in order to further enhance clarity for that section, MC § 6-1-26(B).

Staff made changes to the underage possession of tobacco and tobacco paraphernalia consistent with and in light of passage of House Bill 2020-1001 ‘Concerning Nicotine Product Regulations [.]’ This passed legislation raised the age of minority. In order for retailers to make a legal sale of tobacco products, the end customer must be twenty-one years of age or older. The ordinance proposal in turn raises the age of minority from age eighteen to age twenty-one, bearing some carve outs authorized by state law. Staff has drafted this ordinance MC § 6-1-26 as a secondary offense for traffic vehicle stops by peace officers. Staff has also modified the definitions of ‘tobacco product’ in MC § 6-1-26(C)(3) and ‘cannabis’ in MC § 6-1-27(C)(1) to better reflect parallel definitions in Colorado Revised Statute.

Staff Recommendation & Rationale:

Staff recommends this change. This is an ordinance regularly cited incorrectly or incompletely into the municipal court. Breaking the ordinance apart into separate topics enhances readability. The change will hopefully lead to less need to clarify charges orally at advisement. This provides a benefit to the Montrose Municipal Court clerical staff tasked with the preparation of forms for advisement, as well the judge conducting the proceeding. It provides time savings for the municipal prosecutors at the City Attorney’s Office, as there hopefully will be less of a need to continually clarify or amend charges of this type at or before advisement. It provides a benefit to the cited defendants of affording a greater chance of adequate notice of the correct charge in advance of court proceedings.

The City Attorney’s Office provided a copy of the proposed ordinance and discussed this with the Montrose Youth City Council at a regular meeting of that body, held January 26th, 2022. The undersigned provided a courtesy copy of the revised proposal (both clean and redline versions) to the Montrose Municipal Court along with this memo, for its own review.

ORDINANCE NO. 2577

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 6 CHAPTER 1, MISCELLANEOUS OFFENSES: REPEALING AND RECODIFYING TITLE 6 CHAPTER 1 SECTION 27 (6-1-27) ONLY REGARDING UNDERAGE POSSESSION OF TOBACCO/CANNABIS AND PARAPHERNALIA, ADDING TITLE 6 CHAPTER 1 SECTION 26 (6-1-26) REGARDING UNDERAGE POSSESSION OF TOBACCO AND TOBACCO PARAPHERNALIA; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 27 (6-1-27) REGARDING UNDERAGE POSSESSION OF CANNABIS AND CANNABIS PARAPHERNALIA.

WHEREAS, the City's Police Regulations are updated from time to time; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

The following Sections of Title 6 Chapter 1 of the Official Code of the City of Montrose, Colorado are hereby repealed, replaced or added: Title 6 Chapter 1 Section 27 (6-1-27) only is hereby repealed and recodified into two separate Sections; Title 6 Chapter 1 Section 26 is hereby added (6-1-26); Title 6 Chapter 1 Section 27 (6-1-27) is hereby repealed and replaced. This version supersedes all previous versions to read in full as follows:

6-1-26. - Underage Possession of Tobacco and Tobacco Paraphernalia.

- (A) It shall be unlawful for any person under the age of 21 years to purchase or attempt to purchase, possess, use or consume any cigarettes or tobacco products as defined by this Section, including chewing tobacco, at or upon any public place.
- (B) It shall be unlawful for any person under the age of 21 years to possess at or upon any public place tobacco paraphernalia used to ingest, inhale, or otherwise introduce tobacco product into the human body, if the person knows or reasonably should know that the tobacco paraphernalia could be used under circumstances in violation of the laws of the City of Montrose, Colorado as provided herein. Tobacco paraphernalia means electronic

smoking devices defined herein, and any and all of those items listed in the definition of 'drug paraphernalia' in Official Code of Montrose § 6-1-27 when those items are used instead to ingest, inhale or otherwise introduce tobacco product into the human body. The determination procedure and considerations listed for 'drug paraphernalia' in Official Code of Montrose § 6-1-27(C)(3.5) apply to violations of this Section.

(C) Definitions:

- (1) The term "electronic smoking device" means any electronic oral device such as one composed of a heating element, battery, and/or electronic circuit which provides a vapor of nicotine or any other substance for inhalation. The term "electronic smoking device" shall include every variation and type of such devices whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pen, an electronic pipe, an electronic hookah, or a vape pen, or any other product name or descriptor.
- (2) The term "public place" includes the following places:
 - (a) Property owned or leased by the United States of America, the State of Colorado, Montrose County or the City or any agencies or political subdivision thereof.
 - (b) The entire width of street and alley rights-of-way, parking areas and grounds outside the establishments open to the public such as restaurants, grocery stores, convenience stores, bars and other places of public gathering for amusement and entertainment.
 - (c) The inside of vehicles located upon any of the above-listed places.
- (3) The term "tobacco product" means any product that contains nicotine or tobacco or is derived from nicotine or tobacco and is intended to be ingested or inhaled; or any electronic device that can be used to deliver nicotine to the person inhaling from the device, including, but not limited to, electronic smoking devices, cigarettes, cigars, cheroots, stogies, and Periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco; and

other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. The term "tobacco product" also includes cloves and any other plant matter or product that is packaged for smoking. The term "tobacco product" does not mean a product that the Food and Drug Administration of the United States Department of Health and Human Services has approved as a tobacco use cessation product.

- (D) Penalty: Any person who commits a violation of Subsection (A) and/or (B) of this Section shall be punished by a fine of not more than \$200.00 and/or 20 hours of useful public service.
- (E) This Section does not prohibit an employee of a retailer who is eighteen years of age or older but under twenty-one years of age from handling or otherwise having any contact with cigarettes or tobacco products that are offered for sale at the retailer's business.
- (F) No driver of a vehicle shall be stopped or occupant of a vehicle cited for a violation of this Section unless such driver was stopped by a law enforcement officer for an alleged violation of Colorado Revised Statute or the traffic code as adopted by the City of Montrose other than a violation for this Section, except that nothing in this Section shall prohibit citation if contact was initially made in a police-citizen voluntary contact or a contact predicated upon community caretaking functions of a peace officer.

6-1-27. - Underage Possession of Cannabis and Cannabis Paraphernalia.

- (A) It shall be unlawful for any person under the age of 21 to possess, use, or consume cannabis or any cannabis products as defined in this Section.
- (B) It shall be unlawful for any person under the age of 21 years to possess drug paraphernalia if the person knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the laws of the City of Montrose, Colorado, as provided herein.
- (C) Definitions:
 - (1) For the purposes of this Section, the term "cannabis" shall include all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or

preparation of such plant, its seeds, or resin, including its concentrate. It shall not include industrial hemp, the mature stalks of such plant, fiber produced from its stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of its mature stalks, except the resin extracted therefrom, fiber, oil, cake or the sterilized seed of such plant which is incapable of germination, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

- (2) "Cannabis concentrate" shall mean hashish, tetrahydrocannabinoids, or any alkaloid, salt, derivative, preparation, compound or mixture, whether natural or synthesized of tetrahydrocannabinoids.
- (3) For the purposes of this Section, the term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing cannabis into the human body. The term "drug paraphernalia" includes, but is not limited to:
 - (a) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of cannabis under circumstances in violation of the laws of this state;
 - (b) Scales and balances used, intended for use, or designed for use in weighing or measuring cannabis;
 - (c) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining cannabis;
 - (d) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding cannabis;

- (e) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of cannabis;
- (f) Containers and other objects used, intended for use, or designed for use in storing or concealing cannabis;
- (g) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis into the human body, such as:
 - (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (ii) Water pipes;
 - (iii) Carburetion tubes and devices;
 - (iv) Smoking and carburetion masks;
 - (v) Roach clips, meaning objects used to hold burning material such as a marijuana or cannabis cigarette that has become too small or too short to be held in the hand;
 - (vi) Chamber pipes;
 - (vii) Carburetor pipes;
 - (viii) Electric pipes;
 - (ix) Air-driven pipes;
 - (x) Chillums;
 - (xi) Bongs; or
 - (xii) Ice pipes or chillers.

(3.5) Determination for Paraphernalia, Considerations

- (a) In determining whether an object is drug paraphernalia, the court, in its discretion, may consider, in addition to all other relevant factors, the following:
 - (i) Statements by an owner or by anyone in control of the object concerning its use.
 - (ii) The proximity of the object to cannabis.
 - (iii) The existence of any residue of cannabis on the object.
 - (iv) Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object or evidence that such person reasonably should know that it will be delivered to persons who he knows or reasonably should know could use the object to facilitate a violation of this Section.
 - (v) Instructions, oral or written, provided with the object concerning its use.
 - (vi) Descriptive materials accompanying the object, which explain or depict its use.
 - (vii) National or local advertising concerning its use.
 - (viii) Manner in which the object is displayed for sale.
 - (ix) Whether the owner or anyone in control of the object is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products.
 - (x) Existence and scope of legal uses for the object in the community.

(xi) Expert testimony concerning its use.

(b) In the event a case brought pursuant to this Section is tried before a jury, the court shall hold an evidentiary hearing outside the presence of the jury if issues are raised by pre-trial motion pursuant to this Section.

(D) Penalty:

(1) Any person who commits a violation of Subsection (A) of this Section shall be punished by a fine of not more than \$400.00 and/or 40 hours of useful public service.

(2) Any person who commits a violation of Subsection (B) of this Section shall be punished by a fine of not more than \$200.00 and/or 20 hours of useful public service.

(E) It shall be affirmative defense to a violation of this Section 6-1-27 that the defendant is a patient engaged in the medical use of marijuana as declared lawful by paragraph (4)(a) of Section 14 of Article XVIII of the State Constitution, in accordance with the limitations and provisions of said Section 14, Article XVIII, provided that the patient has a current and valid registry identification card and that the possession or use of marijuana was not in plain view of, or in a place open to the general public. For the purposes of this Section, the terms "patient," "medical use," and "registry identification card," shall be defined as set out in said Section 14, Article XVIII.

This Ordinance shall be deemed severable. Should any phrase, term, section, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unlawful, the remainder of the Ordinance shall remain in full force and effect.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 15th day of February, 2022, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 15th day of February, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 1st day of March, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

6-1-26. - ~~Reserved.~~ Underage Possession of Tobacco and Tobacco Paraphernalia.

- (A) It shall be unlawful for any person under the age of ~~18~~ 21 years to purchase or attempt to purchase, possess, use or consume any cigarettes or tobacco products as defined by this ~~Code~~ Section, including chewing tobacco, at or upon any public place.
- (B) It ~~is~~ shall be unlawful for any person under the age of ~~18~~ 21 years to possess at or upon any public place tobacco smoking paraphernalia used to ingest, inhale, or otherwise introduce tobacco product into the human body, if ~~he~~ the person knows or reasonably should know that the smoking tobacco paraphernalia could be used under circumstances in violation of the laws of the City of Montrose, Colorado as provided herein. Tobacco paraphernalia means electronic smoking devices as described in this Chapter defined herein, and any and all of those items listed in the definition of 'drug paraphernalia' in Official Code of Montrose § 6-1-27 when those items are used instead to ingest, inhale or otherwise introduce tobacco product into the human body. The determination procedure and considerations listed for 'drug paraphernalia' in Official Code of Montrose § 6-1-27(C)(3.5) apply to violations of this Section.
- (C) Definitions:
- (1) The term "electronic smoking device" means any electronic oral device such as one composed of a heating element, battery, and/or electronic circuit which provides a vapor of nicotine or any other substance for inhalation. The term "electronic smoking device" shall include every variation and type of such devices whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pen, an electronic pipe, an electronic hookah, or a vape pen, or any other product name or descriptor.
- (2) The term "public place" includes the following places:
- (a) Property owned or leased by the United States of America, the State of Colorado, Montrose County or the City or any agencies or political subdivision thereof.
- (b) The entire width of street and alley rights-of-way, parking areas and grounds outside the establishments open to the public such as restaurants, grocery stores, convenience

stores, bars and other places of public gathering for amusement and entertainment.

(c) The inside of vehicles located upon any of the above-listed places.

(3) The term "tobacco product" means any product that contains nicotine or tobacco or is derived from nicotine or tobacco and is intended to be ingested or inhaled; or any electronic device that can be used to deliver nicotine to the person inhaling from the device, including, but not limited to, electronic smoking devices, cigarettes, cigars, cheroots, stogies, and Periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. The term "tobacco product" also includes cloves and any other plant matter or product that is packaged for smoking. The term "tobacco product" does not mean a product that the Food and Drug Administration of the United States Department of Health and Human Services has approved as a tobacco use cessation product.

(D) Penalty: Any person who commits a violation of Subsection (A) Subsection (A)(B) and/or (A)(e)(B) of this Section shall be punished by a fine of not more than \$200.00 and/or 20 hours of useful public service.

(E) This Section does not prohibit an employee of a retailer who is eighteen years of age or older but under twenty-one years of age from handling or otherwise having any contact with cigarettes or tobacco products that are offered for sale at the retailer's business.

(F) No driver of a vehicle shall be stopped or occupant of a vehicle cited for a violation of this Section unless such driver was stopped by a law enforcement officer for an alleged violation of Colorado Revised Statute or the traffic code as adopted by the City of Montrose other than a violation for this Section, except that nothing in this Section shall prohibit citation if contact was initially made in a police-citizen voluntary contact or a contact predicated upon community caretaking functions of a peace officer.

6-1-27. - Underage Possession of Cannabis and Cannabis Paraphernalia.

~~I.—Tobacco and Paraphernalia.~~

~~(A)——Definitions.~~

- ~~(1) The term "tobacco product" means any product that contains nicotine or tobacco or is derived from nicotine or tobacco and is intended to be ingested or inhaled; or any electronic device that can be used to deliver nicotine to the person inhaling from the device, including, but not limited to, electronic smoking devices, cigarettes, cigars, cheroots, stogies, and Periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour; Cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. The term "tobacco product" also includes cloves and any other plant matter or product that is packaged for smoking.~~
 - ~~(2) The term "public place" includes the following places:~~
 - ~~(a) Property owned or leased by the United States of America, the State of Colorado, Montrose County or the City or any agencies or political subdivision thereof.~~
 - ~~(b) The entire width of street and alley rights of way, parking areas and grounds outside the establishments open to the public such as restaurants, grocery stores, convenience stores, bars and other places of public gathering for amusement and entertainment.~~
 - ~~(c) The inside of vehicles located upon any of the above listed places.~~
 - ~~(3) The term "electronic smoking device" means any electronic oral device such as one composed of a heating element, battery, and/or electronic circuit which provides a vapor of nicotine or any other substance for inhalation. The term "electronic smoking device" shall include every variation and type of such devices whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pen, an electronic pipe, an electronic hookah, or a vape pen, or any other product name or descriptor.~~
- ~~(B) It shall be unlawful for any person under the age of 18 years to possess, use or consume any cigarettes or tobacco products as defined by this Code, including chewing tobacco, at or upon any public place.~~
- ~~(C) It is unlawful for any person under the age of 18 years to possess smoking paraphernalia, at or upon any public place, including electronic smoking devices~~

~~as described in this Chapter, if he knows or reasonably should know that the smoking paraphernalia could be used under circumstances in violation of the laws of the City of Montrose, Colorado as provided herein.~~

~~(D) Any person who commits a violation of Subsection I(B) and/or I(C) of this Section shall be punished by a fine of not more than \$200.00 and/or 20 hours of useful public service.~~

~~H.—Cannabis and Paraphernalia.~~

(A) It shall be unlawful for any person under the age of 21 to possess, use, or consume cannabis or any cannabis products as defined in this Section.

~~(B)(3)(a)~~ It ~~is~~ shall be unlawful for any person under the age of 21 years to possess drug paraphernalia if ~~he~~ the person knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the laws of the City of Montrose, Colorado, as provided herein.

~~(C)(B)~~ Definitions:

(1) For the purposes of this Section, the term "cannabis" shall include all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin, including its concentrate. ~~It but~~ shall not include industrial hemp, the mature stalks of such plant, fiber produced from its stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of its mature stalks, except the resin extracted therefrom, fiber, oil, cake or the sterilized seed of such plant which is incapable of germination, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

(2) ~~The term~~ "eCannabis concentrate" shall mean hashish, tetrahydrocannabinol, or any alkaloid, salt, derivative, preparation, compound or mixture, whether natural or synthesized of tetrahydrocannabinol.

(3) ~~(D)(1)~~ For the purposes of this Section, the term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating,

cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing cannabis, ~~as defined in Subsection II(B) of this Section,~~ into the human body. The term "drug paraphernalia" includes, but is not limited to:

- (a) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of cannabis under circumstances in violation of the laws of this state;
- (b) Scales and balances used, intended for use, or designed for use in weighing or measuring cannabis;
- (c) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining cannabis;
- (d) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding cannabis;
- (e) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of cannabis;
- (f) Containers and other objects used, intended for use, or designed for use in storing or concealing cannabis;
- (g) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis into the human body, such as:
 - (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (ii) Water pipes;
 - (iii) Carburetion tubes and devices;

- (iv) Smoking and carburetion masks;
- (v) Roach clips, meaning objects used to hold burning material such as a marijuana or cannabis cigarette that has become too small or too short to be held in the hand;
- (vi) Chamber pipes;
- (vii) Carburetor pipes;
- (viii) Electric pipes;
- (ix) Air-driven pipes;
- (x) Chillums;
- (xi) Bongs; or
- (xii) Ice pipes or chillers.

~~(3.5)(2)~~ Determination for Paraphernalia, Considerations

- (a) In determining whether an object is drug paraphernalia, the court, in its discretion, may consider, in addition to all other relevant factors, the following:
 - (i) Statements by an owner or by anyone in control of the object concerning its use.
 - (ii) The proximity of the object to cannabis.
 - (iii) The existence of any residue of cannabis on the object.
 - (iv) Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object or evidence that such person reasonably should know that it will be delivered to persons who he knows or reasonably should

know could use the object to facilitate a violation of this Section.

- (v) Instructions, oral or written, provided with the object concerning its use.
- (vi) Descriptive materials accompanying the object, which explain or depict its use.
- (vii) National or local advertising concerning its use.
- (viii) Manner in which the object is displayed for sale.
- (ix) Whether the owner or anyone in control of the object is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products.
- (x) Existence and scope of legal uses for the object in the community.
- (xi) Expert testimony concerning its use.

- (b) In the event a case brought pursuant to this Section is tried before a jury, the court shall hold an evidentiary hearing outside the presence of the jury on if issues are raised by pre-trial motion pursuant to this Section. ~~Such hearing shall be conducted on camera.~~

~~(D)(3)~~ Violations Penalty:

- (1)~~(C)~~ Any person who commits a violation of ~~Subsection II(A)~~ Subsection (A) of this Section shall be punished by a fine of not more than \$400.00 and/or 40 hours of useful public service.
- (2)~~(b)~~ Any person who commits a violation of ~~Subsection II(D)(3)(a)~~ Subsection (B) of this Section shall be punished by a fine of not more than \$200.00 and/or 20 hours of useful public service.

- (E) ~~(4)~~ It shall be affirmative defense to a violation of this Section 6-1-27 that the defendant is a patient engaged in the medical use of marijuana as

declared lawful by paragraph (4)(a) of Section 14 of Article XVIII of the State Constitution, in accordance with the limitations and provisions of said Section 14, Article XVIII, provided that the patient has a current and valid registry identification card and that the possession or use of marijuana was not in plain view of, or in a place open to the general public. ~~(2)~~ For the purposes of this Section, the terms "patient," "medical use," and "registry identification card," shall be defined as set out in said Section 14, Article XVIII.



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: February 15, 2022
RE: Yocum Addition Rezone
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Photos of Project Area
- Exhibit C: Zoning Code Excerpt

City Council Consideration:

City Council is considering the approval of the Yocum Addition rezone. City Council will consider all of the information in this memo in making a decision.

Application Background:

The proposal is to rezone the Yocum Addition from “R-2” Low Density District to “R-3A” Medium High Density District for future development of multi-family housing. The property consists of approximately 7.3 acres.

Applicant: Luckenbill Drayton & Associates, LLC Profit Sharing Plan & Michael Surak, Real America

Proposed Zoning: “R-3A” Medium High Density District

Staff Analysis:

1. Municipal Code, Section, 4-4-29(A), Rezoning.
“Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:



- a) The amendment is not adverse to the public health, safety and welfare; and
 - b) The amendment is in substantial conformity with the master plan or,
 - i. The existing zoning is erroneous, or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned."
2. The Planning Commission should consider the merits of the proposed rezone only and make a recommendation to City Council based on whether it should be rezoned to "R-3A" Medium High Density District. The current zoning is "R-2" Low Density District.
 - Zoning Regulations. The "R-3A" Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses. (Section 4-4-7.1)
 - Exhibit C includes an excerpt from the Municipal Code showing uses by right in the "R-3A" Medium High Density District.
3. This property is adjacent to properties that are zoned "R-2" Low Density District, "R-3A" Medium High Density District, and agricultural (outside City limits).
4. General Conformance with the Comprehensive Plan:
 - The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Residential Mixed Density Low. This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes).
 - Goal LU (Land Use) 5: Infill & Redevelopment: Promote higher density infill and redevelopment of underutilized sites and support development in areas that can be easily accessed by foot, bike, and/or public transit.
 - Goal HN (Housing & Neighborhoods)-1: Housing Variety. Encourage a variety of housing types, tenure, and density to meet the needs of the community.
 - a) Objective 1.1 Promote a mix of residential housing types including single-family homes on a variety of lot sizes, multi-family housing, townhomes, apartments, senior housing, and transitional housing.
 - b) Objective 1.2 Encourage a variety of housing densities (low, medium, high) throughout the community, including mixed-density neighborhoods.
 - Goal HN-2: Affordable Housing. Increase access to affordable housing.
 - a) Objective 2.1 Encourage a mix of housing price ranges, thereby providing choices for residents of all incomes and ages.
 - b) Objective 2.2 Offer incentives and information to encourage affordable housing in new developments.
 - c) Objective 2.3 Support and work with housing agencies, organizations, private developers, and businesses to increase the amount of workforce housing.



- Staff finds that the proposed zoning meets numerous goals and objectives of the Comprehensive Plan.
5. The “R-3A” zoning does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements, zoning in the surrounding area, and the Comprehensive Plan.

Staff Recommendation:

Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "R-3A" Medium High Density District.

Planning Commission Recommendation:

The Planning Commission recommended approval of the Yocum Addition to “R-3A” Medium High Density District at the January 26, 2022 meeting. The vote was unanimous.

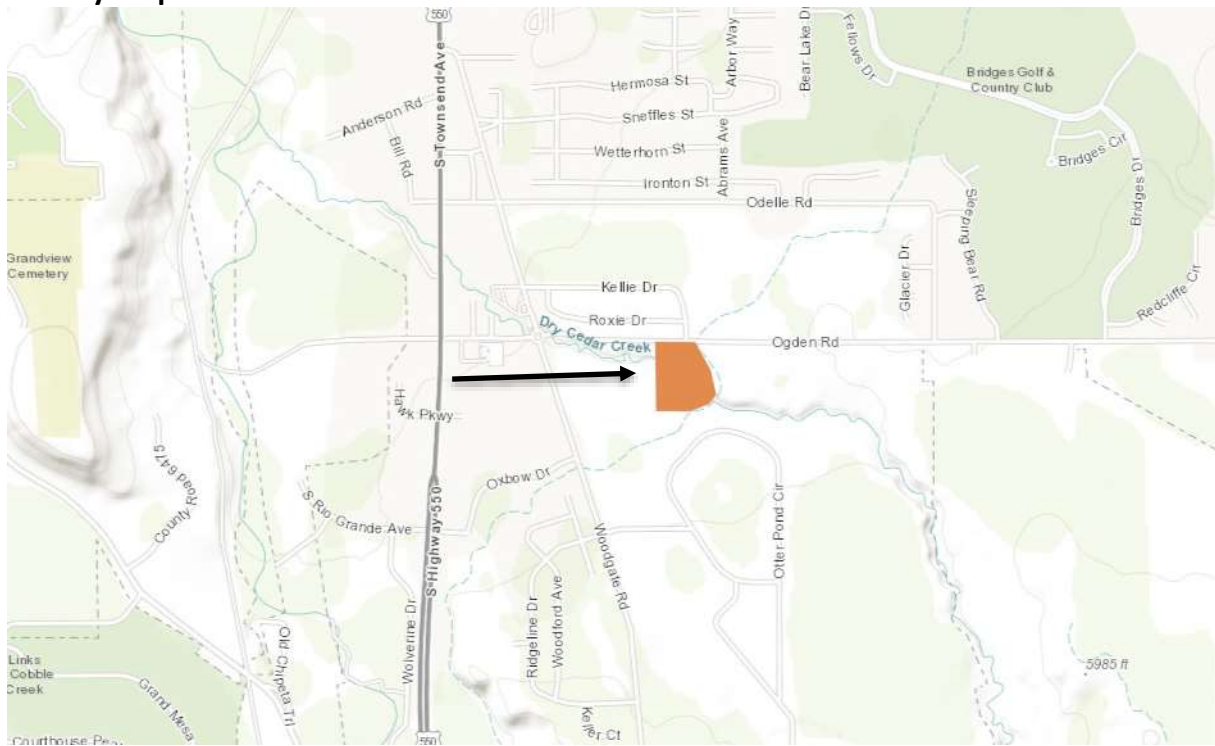
City Council Options:

1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.



EXHIBIT A: Maps

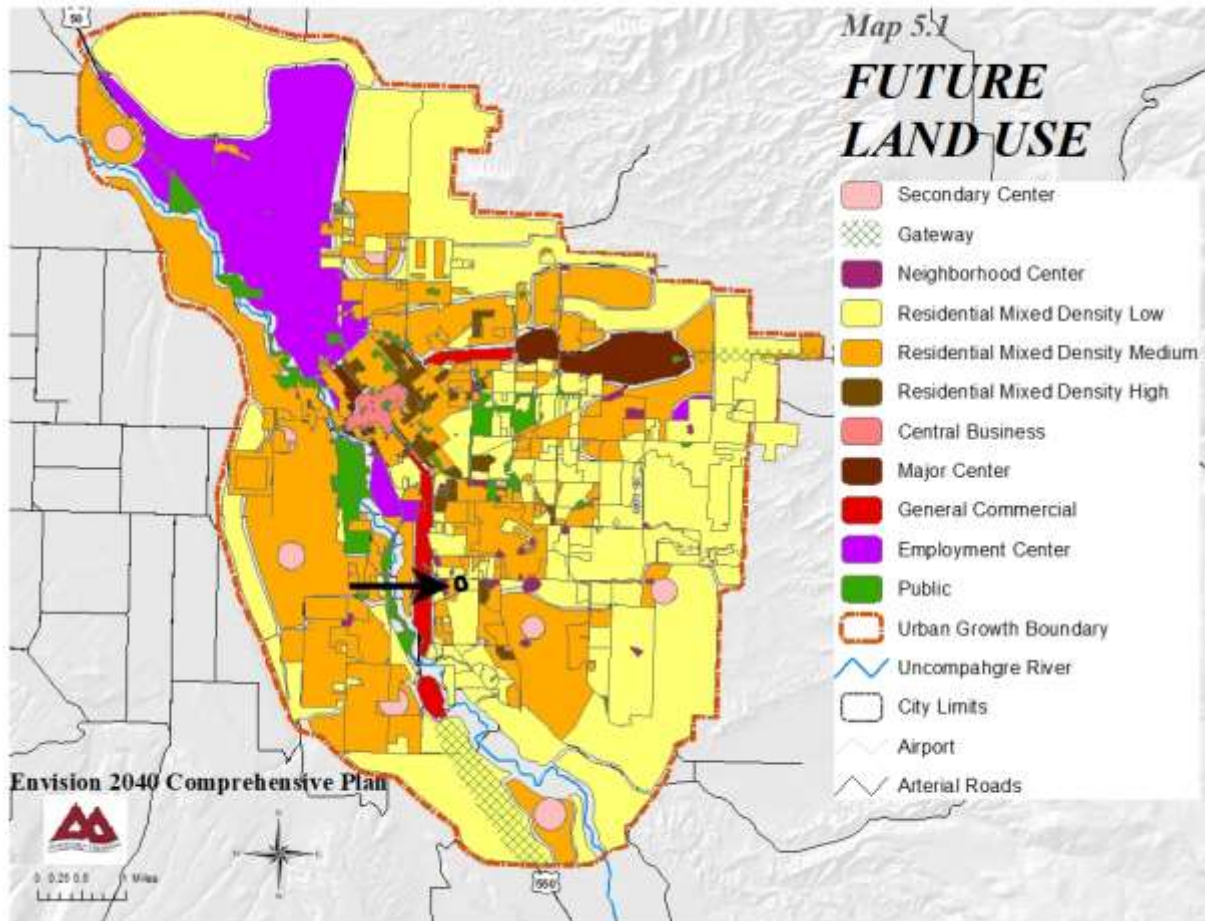
Vicinity Map

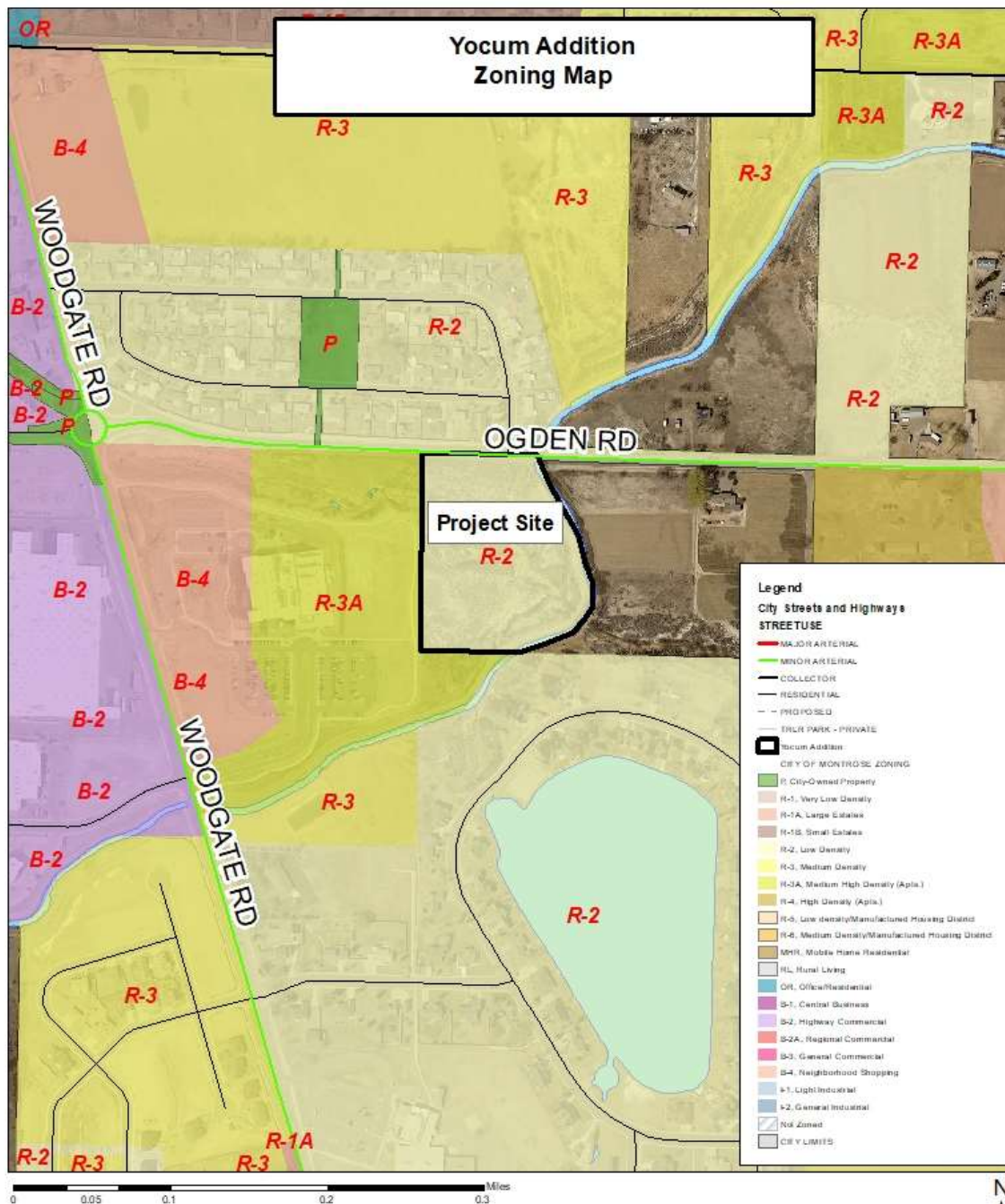


Notification Area



Comprehensive Plan Future Land Use Map





Map created 1/11/22



EXHIBIT B: Photos of Project Area





EXHIBIT C: Zoning Code Excerpt

Sec. 4-4-7.1. "R-3A" Medium High Density District.

- (A) *Intent.* The "R-3A" Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.
- (B) *Uses by Right.*
- (1) Single-family homes, duplexes, multifamily residences.
 - (2) Public utility service facilities.
 - (3) Government buildings and facilities.
 - (4) Parks and recreation facilities owned or operated by a homeowner association.
 - (5) Places of worship.
 - (6) Accessory uses.
 - (7) Short-term rentals.
 - (8) Family child care home.
- (C) *Conditional Uses.*
- (1) Childcare facilities.
 - (2) Skilled nursing and assisted living facilities.
 - (3) Schools.

(Ord. No. 2472 , § 4-4-7.1, 5-7-2019; Ord. No. 2561 , 10-19-2021)



ORDINANCE NO. 2579

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF THE YOCUM ADDITION FROM "R-2", LOW DENSITY DISTRICT TO "R-3A", MEDIUM HIGH DENSITY DISTRICT.

WHEREAS, Phoebe Benziger moved, and Chad Huffman seconded, to recommend the City Council approval of the rezone of the Yocum Addition more particularly described below, City of Montrose; and

WHEREAS, the motion carried unanimously and Planning Commission has recommended the zoning changes provided herein; and

WHEREAS, the City Council has determined that such zoning will be consistent with the public health, safety and welfare, the City's Master Plan and changed conditions in the area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that

SECTION 1:

The Official Zoning Map is amended to designate the parcel more particularly described as:

THAT PART OF THE NORTH ½ OF U.S. GOVERNMENT LOT 16, SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, LYING WESTERLY OF THE LOUTSENHIZER CANAL AS PRESENTED CONSTRUCTED, COUNTY OF MONTROSE, STATE OF COLORADO

as an "R-3A", Medium High Density District, according to the Official Zoning Map.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 15th of February, 2022, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 15th day of February, 2022.

ATTEST:

Douglas Glaspell, Mayor

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 1st day of March, 2022.

ATTEST:

Douglas Glaspell, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner I
DATE: February 15, 2021
RE: City of Montrose Municipal Code Update, Section 4-15-2

City staff have undertaken a review of the Municipal Code Title 4, Chapter 15, Section 2 (4-15-2) in order to codify the appointment of an alternate Historic Preservation Commission member. This modification cleans up the code and clarifies the role of the alternate member.

Recommended Actions:

1. Update Section 4-15-2 to reflect this change in the Historic Preservation Commissioners' appointments.

Proposed Language:

The language below is proposed to be changed to Municipal Code Section 4-15-2:

Section 4-15-2: Creation of Planning Commission

(B) *Composition.* The commission shall be composed of seven voting members, all of who have demonstrated interest in, competence with or knowledge of preservation. The Council may appoint alternate historic preservation commission members in the same manner as regular appointments. The alternate historic preservation commission members may be called to sit on the commission and vote as a member thereof on account of the absence of any regular member.

ORDINANCE NO. 2578

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 4 CHAPTER 15, HISTORIC PRESERVATION REGULATIONS OF THE CITY OF MONTROSE: AMENDING TITLE 4 CHAPTER 15 SECTION 2 (4-15-2) REGARDING HISTORIC PRESERVATION COMMISSION ALTERNATE APPOINTMENTS.

WHEREAS, the City of Montrose is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, in the exercise of this authority the City Council has previously enacted Chapter 15 of Title IV of the Official Code of the City of Montrose, concerning historic preservation (the “Historic Preservation Regulations”); and

WHEREAS, the City Council finds that the Historic Preservation Regulations require amendment to codify the process for appointment of an alternate historic preservation commissioner; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

Section 1. Historic Preservation Regulations Amended

The following Section of Title 4 Chapter 15 of the Official Code of the City of Montrose, Colorado are hereby amended as follows: Title 4 Chapter 15 Section 2 (4-15-2) is hereby amended. This version supersedes all previous versions of Montrose Municipal Code § 4-15-2, to read in full as follows:

4-15-2. – Historic Preservation Commission.

(B) *Composition.* The commission shall be composed of seven voting members, all of who have demonstrated interest in, competence with or knowledge of preservation. The Council may appoint one alternate historic preservation commission member in the same manner as regular appointments. The alternate historic preservation commission

member may be called to sit on the commission and vote as a member thereof on account of the absence of any regular member.

Section 2. Severability

This Ordinance shall be deemed severable. Should any phrase, term, section, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unlawful, the remainder of the Ordinance shall remain in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect upon adoption at second reading and publication as required by the charter.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 15th day of February, 2022, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 15th day of February, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 1st day of March, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2578

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 4 CHAPTER 15, HISTORIC PRESERVATION REGULATIONS OF THE CITY OF MONTROSE: AMENDING TITLE 4 CHAPTER 15 SECTION 2 (4-15-2) REGARDING HISTORIC PRESERVATION COMMISSION ALTERNATE APPOINTMENTS.

WHEREAS, the City of Montrose is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, in the exercise of this authority the City Council has previously enacted Chapter 15 of Title IV of the Official Code of the City of Montrose, concerning historic preservation (the “Historic Preservation Regulations”); and

WHEREAS, the City Council finds that the Historic Preservation Regulations require amendment to codify the process for appointment of an alternate historic preservation commissioner; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

Section 1. Historic Preservation Regulations Amended

The following Section of Title 4 Chapter 15 of the Official Code of the City of Montrose, Colorado are hereby amended as follows: Title 4 Chapter 15 Section 2 (4-15-2) is hereby amended. This version supersedes all previous versions of Montrose Municipal Code § 4-15-2, to read in full as follows:

4-15-2. – Historic Preservation Commission.

- (B) *Composition.* The commission shall be composed of seven voting members, all of who have demonstrated interest in, competence with or knowledge of preservation. The Council may appoint alternate historic preservation commission members in the same manner as regular appointments. The alternate historic preservation commission

members may be called to sit on the commission and vote as a member thereof on account of the absence of any regular member.

Section 2. Severability

This Ordinance shall be deemed severable. Should any phrase, term, section, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unlawful, the remainder of the Ordinance shall remain in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect upon adoption at second reading and publication as required by the charter.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the ____ day of _____, 2022, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this _____ day of _____, 2022.

_____, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this _____ day of _____, 2022.

_____, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner I
DATE: February 15, 2022
RE: City of Montrose Historic Preservation Commission Bylaws Update

City staff have undertaken a review of the Historic Preservation Commission Bylaws in order to better explain the process of appointment of an alternate Historic Preservation Commission member, and clarify the role of the alternate member, as well as defining a quorum.

Recommended Actions:

1. Update Section 4-8 of the Historic Preservation Commission Bylaws.

Proposed Language:

The language below is proposed to be changed in Section 4-8 of the Historic Preservation Commission Bylaws:

Section 4-8: Meetings of the Commission

No official business of the Commission shall be conducted unless a quorum is present. The presence of four (4) Commissioners in the case of a 7-member Commission at any meeting shall constitute a quorum for transacting business and taking official action for all matters. The concurring vote of a quorum is necessary to constitute an official act of the Commission. Alternates shall assume the seat of any Commissioner in their absence or disability, and so seated shall be counted towards a quorum. Alternates are ex-officio at meetings and may contribute to discussion but may not cast a vote or make or second a motion, unless they assume a vacant Commissioner's seat, in which case they are required to cast a vote and may make or second a motion.

**CITY OF MONTROSE
HISTORIC PRESERVATION COMMISSION
BYLAWS**

SECTION 1. NAME AND PURPOSE

1. The name of this organization shall be CITY OF MONTROSE HISTORIC PRESERVATION COMMISSION, hereafter referred to as the Commission.
2. The purpose of the Commission is to carry out the provisions of City of Montrose Ordinance No. 2451 (approved June 18, 2018) adding Section 4-15 to the Official Code of the City of Montrose. The ordinance provides for the protection and preservation of local historic buildings, structures, sites, objects, and districts through a variety of means.

SECTION 2. CODE OF ETHICS

1. The Commission members shall abide by Colorado State Laws concerning ethics and conflicts of interests for Municipal Officials and Employees, pursuant to C.R.S. 24-18-101 *et seq.*; C.R.S. 24-18-201 *et seq.*, C.R.S. 31-4-404(2) and (3), and C.R.S. 18-8-308.
2. Commission members shall also abide by the National Alliance of Preservation Commissions Code of Ethics for Commissions and Staff.

SECTION 3. ELECTION OF OFFICERS

1. The Commission shall hold an election of officers at the regular meeting in February of each calendar year.
2. The Commission shall elect a Chairperson, a Vice-Chairperson, and a Secretary who shall hold office for one (1) year or until their successors are selected and qualified. All officers may serve any number of terms.
3. The Chairperson shall preside at all meetings and shall be responsible for the conduct of such meetings in a manner to ensure majority rule, secure the rights of all members (including the minority and those absent at meetings), and promote order, fairness, decorum, and efficiency.
4. The Vice-Chairperson shall perform the duties of the Chairperson in the event of the Chairperson's absence. In the event the Chairperson and Vice-Chairperson are both absent, the remaining members shall vote for a Chairperson *pro tempore*, who shall chair only that meeting, and only so long as the Chairperson and Vice-Chairperson remain absent.
5. The Secretary shall ensure a record of the minutes of the meeting and file such minutes along with documents presented at the meeting with the City within 15 days following the approval of such minutes.
6. Should the office of Chairperson, Vice-Chairperson, or Secretary become vacant, the Commission shall elect a successor from its membership at the next meeting to fill the unexpired term of said office.

SECTION 4. MEETINGS OF THE COMMISSION

1. Through resolution, the Commission may provide the time and place, either within or outside of the State of Colorado, of regular meetings. A notice of all regular meetings shall be provided in accordance with C.R.S. 24-6-402 *et seq.* (referred to as the "Colorado Sunshine Law"). Members may attend and vote by telephone, video conferencing, or other electronic means. The Commission must meet at least four (4) times annually.
2. Special meetings of the Commission may be called at the request of any three (3) Board members. The person or persons authorized to call special meetings may fix any place or time, either within or outside of the State of Colorado, as the place for holding any special meeting of the Commission called by them. Notice of all special meetings shall be provided in accordance with C.R.S. 24-6-402 *et seq.* Board members may attend and vote by telephone, video conferencing, or other electronic means.
3. Notice of all regular and special meetings shall be posted at the official notice locations of the City of Montrose.
4. The Chairperson, absent objection by any member, may cancel meetings (except those held for the purpose of conducting a public hearing) for cause, including absence of a quorum, lack of business to conduct, or other unforeseeable circumstances. Notice of such cancellation shall be given to the members at least 24 hours in advance of the time of the meeting, if feasible. Cancelled meetings do not count towards the Commission's minimum annual meeting requirement.
5. The Chairperson shall have the agenda prepared for each regular meeting. This agenda shall constitute written notice as specified above in this Section.
6. The Secretary shall ensure the preparation and the making available of the minutes of each meeting no more than 30 days following each meeting to all members.
7. On any matter not quasi-judicial in nature, proxy voting may be done by any member who is unable to attend a meeting, providing the matter to be voted upon is specific and the proxy vote is either in the affirmative or negative and presented to the Chairperson prior to the meeting.
8. No official business of the Commission shall be conducted unless a quorum is present. The presence of four (4) Commissioners in the case of a 7-member Commission at any meeting shall constitute a quorum for transacting business and taking official action for all matters. The concurring vote of a quorum is necessary to constitute an official act of the Commission. Alternates shall assume the seat of any Commissioner in their absence or disability, and so seated shall be counted towards a quorum. Alternates are ex-officio at meetings and may contribute to discussion but may not cast a vote or make or second a motion, unless they assume a vacant Commissioner's seat, in which case they are required to cast a vote and may make or second a motion.

SECTION 5. PUBLIC HEARINGS

1. Each regular meeting of the Commission shall provide for an opportunity for the public to speak on any topic not included on the agenda for that meeting. Each person will have three (3) minutes to present, unless the time allotment is changed by a vote of the Commission for all presenters at said regular meeting.

2. First opportunity to be heard for any public hearing on the agenda shall be a ten (10) minute period afforded to any and all persons submitting a proposal and their representatives. This includes time for the applicant and applicant representatives to speak.
3. Second opportunity to be heard for any public hearing on the agenda shall be a ten (10) minute period afforded to any and all persons having a legal interest in the subject property, including their representatives, provided that those having a legal interest in the subject property did not submit the proposal and speak in accordance with Subsection One (1) within this Section. However, for proposed historic district-designation public hearings, any owner of a property that may be included in the historic designation, other than owner(s) submitting a proposal, shall speak in accordance with Subsection Four (4) within this Section.
4. Third opportunity to be heard for any public hearing on the agenda shall be given to any associated neighborhood and/or historic preservation organizations. Presentations shall be limited to three (3) minutes, but the majority of the Commission members present may vote to extend or shorten this time. This includes all representatives of that organization. Organizations may not give their time to other organizations or speakers.
5. Other interested parties shall be given the opportunity to be heard for any public hearings on the agenda. Individual presentations shall be limited to three (3) minutes, but the majority of the Commission members present may vote to extend or shorten this time. Speakers may not give their time to other speakers.
6. All persons wishing to speak shall register with the Chairperson prior to the Chairperson opening the public hearing.
7. The Chairperson shall determine the order of speakers in accordance with the order presented in Subsections Two (2) through Five (5), above.

SECTION 6. COMMITTEES AND SUBCOMMITTEES

1. The Chairperson is empowered to appoint working committees and subcommittees as necessary to carry out the work of the Commission. Such appointments shall be subject to approval by the Commission as a whole.
2. A committee shall be an *ad hoc* committee of Commission members only, appointed to perform specified tasks.
3. A subcommittee shall be an *ad hoc* committee consisting of persons who may or may not be Commission members. Subcommittees shall be appointed to perform specified tasks.

SECTION 7. AMENDMENTS

1. These by-laws may be amended (consistent with the terms of the ordinance creating the Commission) at any regular Commission meeting by the concurring vote of a quorum, provided that written notice of such amendments shall be given at least five (5) days prior to such meeting.

**CITY OF MONTROSE
HISTORIC PRESERVATION COMMISSION
BYLAWS**

SECTION 1. NAME AND PURPOSE

1. The name of this organization shall be CITY OF MONTROSE HISTORIC PRESERVATION COMMISSION, hereafter referred to as the Commission.
2. The purpose of the Commission is to carry out the provisions of City of Montrose Ordinance No. 2451 (approved June 18, 2018) adding Section 4-15 to the Official Code of the City of Montrose. The ordinance provides for the protection and preservation of local historic buildings, structures, sites, objects, and districts through a variety of means.

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1. The Commission members shall abide by Colorado State Laws concerning ethics and conflicts of interests for Municipal Officials and Employees, pursuant to C.R.S. 24-18-101 *et seq.*; C.R.S. 24-18-201 *et seq.*, C.R.S. 31-4-404(2) and (3), and C.R.S. 18-8-308.
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SECTION 3. ELECTION OF OFFICERS

1. The Commission shall hold an election of officers at the regular meeting in February of each calendar year.
2. The Commission shall elect a Chairperson, a Vice-Chairperson, and a Secretary who shall hold office for one (1) year or until their successors are selected and qualified. All officers may serve any number of terms.
3. The Chairperson shall preside at all meetings and shall be responsible for the conduct of such meetings in a manner to ensure majority rule, secure the rights of all members (including the minority and those absent at meetings), and promote order, fairness, decorum, and efficiency.
4. The Vice-Chairperson shall perform the duties of the Chairperson in the event of the Chairperson's absence. In the event the Chairperson and Vice-Chairperson are both absent, the remaining members shall vote for a Chairperson *pro tempore*, who shall chair only that meeting, and only so long as the Chairperson and Vice-Chairperson remain absent.
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7. On any matter not quasi-judicial in nature, proxy voting may be done by any member who is unable to attend a meeting, providing the matter to be voted upon is specific and the proxy vote is either in the affirmative or negative and presented to the Chairperson prior to the meeting.
8. No official business of the Commission shall be conducted unless a quorum is present. The presence of four (4) Commissioners in the case of a 7-member Commission at any meeting shall constitute a quorum for transacting business and taking official action for all matters. The concurring vote of a quorum is necessary to constitute an official act of the Commission. Alternates shall assume the seat of any Commissioner in their absence or disability, and so seated shall be counted towards a quorum. Alternates are ex-officio at meetings and may contribute to discussion but may not cast a vote or make or second a motion, unless they assume a vacant Commissioner's seat, in which case they are required to cast a vote and may make or second a motion.

SECTION 5. PUBLIC HEARINGS

1. Each regular meeting of the Commission shall provide for an opportunity for the public to speak on any topic not included on the agenda for that meeting. Each person will have three (3) minutes to present, unless the time allotment is changed by a vote of the Commission for all presenters at said regular meeting.

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3. Second opportunity to be heard for any public hearing on the agenda shall be a ten (10) minute period afforded to any and all persons having a legal interest in the subject property, including their representatives, provided that those having a legal interest in the subject property did not submit the proposal and speak in accordance with Subsection One (1) within this Section. However, for proposed historic district-designation public hearings, any owner of a property that may be included in the historic designation, other than owner(s) submitting a proposal, shall speak in accordance with Subsection Four (4) within this Section.
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6. All persons wishing to speak shall register with the Chairperson prior to the Chairperson opening the public hearing.
7. The Chairperson shall determine the order of speakers in accordance with the order presented in Subsections Two (2) through Five (5), above.

SECTION 6. COMMITTEES AND SUBCOMMITTEES

1. The Chairperson is empowered to appoint working committees and subcommittees as necessary to carry out the work of the Commission. Such appointments shall be subject to approval by the Commission as a whole.
2. A committee shall be an *ad hoc* committee of Commission members only, appointed to perform specified tasks.
3. A subcommittee shall be an *ad hoc* committee consisting of persons who may or may not be Commission members. Subcommittees shall be appointed to perform specified tasks.

SECTION 7. AMENDMENTS

1. These by-laws may be amended (consistent with the terms of the ordinance creating the Commission) at any regular Commission meeting by the concurring vote of a quorum, provided that written notice of such amendments shall be given at least five (5) days prior to such meeting.



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner I
DATE: February 15, 2021
RE: Historic Property Designation Application for the S.H. Nye Building

City Council Consideration:

On January 25, 2022, the City of Montrose Historic Preservation Commission considered an application for historic property designation of the S.H. Nye Building, located at 428 E Main St, according to Section 4-15 of the Montrose Municipal Code. The commission voted unanimously to recommend to the City Council for approval as a historic property.

Staff Analysis:

In reviewing the application, City staff submitted and the commission concurred with the following findings:

1. The structure meets the eligibility criteria per Montrose Municipal Code 4-15-3 (B) as follows:
 - a. The building is over fifty years old.
 - b. The building is significant for its association with the development of downtown Montrose in the early twentieth century, housing stores and offices.
 - c. The building is significant for its association with Samuel H. Nye, prominent Montrose rancher, businessman, and civic leader.
 - d. The building, although altered, is representative of the Twentieth Century Commercial style in its brick construction, restrained ornament, double-hung sash windows with transoms on the upper story, and large storefronts on the lower story.
2. The structure has been found to also meet the integrity criteria per Montrose Municipal Code 4-15-3 (C).

ORDINANCE NO. 2580

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, DESIGNATING THE S. H. NYE BUILDING, 428 E. MAIN STREET, MONTROSE, COLORADO AS A CITY OF MONTROSE HISTORIC PROPERTY PURSUANT TO § 4-15 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, pursuant to Montrose City Code, Chapter 4-15, City Council has established a public policy encouraging the protection, enhancement and perpetuation of historic properties with the City; and

WHEREAS, by motion approved on January 25, 2022, the City of Montrose Historic Preservation Commission (the “Commission”) determined the S.H. Nye Building, at 428 E. Main Street in Montrose, as more specifically described in the legal description below (the “Property”), is eligible for the historic property designation pursuant to Montrose City Code § 4-15-3 as follows: the building is over fifty years; it has stone coping, paneled parapet with two stone plaques reading “S H NYE BUILDING”; stone cornice supported by scroll brackets; walls composed of yellow and orange brick; second story is divided into two bays by brick panels; within each panel are four double-hung sash windows with transoms; windows have lintels of gauged brick with stone keystones and rock-faced stone sills which create a continuous course, beneath which is a dentil course; lower story has lap siding above the storefronts, which have large plate glass display windows, inset entrances, and glazed doors with transoms; and

WHEREAS, the Commission further determined the Property meets the criteria set forth in City Code § 4-15-3, is eligible for designation as a historic property, and has recommended to the City Council the Property be designated as a historic property; and

WHEREAS, the owner of the Property has consented to such historic property designation and desires to protect the Property; and

WHEREAS, such historic property designation will preserve the Property’s significance to the community; and

WHEREAS, the City Council has reviewed the recommendation of the Commission and desires to follow such recommendation and designate the Property as a historic property; and

WHEREAS, designation of the Property as a historic property is necessary for the prosperity, civic pride, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO as follows:

Section 1. The City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. The Property located in the City of Montrose, Montrose County, Colorado, is described as follows, to wit:

Lots 5 and 6, Block 87, Town of Montrose, now a part of the City of Montrose, except the westerly 3 ½ inches of said Lot 6 adjoining Lot 7 in said Block for its entire length, County of Montrose, State of Colorado

also known by street and number as: 428, 430 & 432 E. Main Street, Montrose, CO 81401

Section 3. Alteration, additions, and other changes to the building and structures located on the Property will be reviewed for compliance with Montrose City Code § 4-15-5, as currently enacted or hereafter amended.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 15th day of February, 2022, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 15th day of February, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 1st day of March, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

CONTRACT AWARD RECOMMENDATION

TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Manager
DATE: **January 31st, 2022**
RE: Buckley/Lions Park Irrigation Replacement Contract Award
CC: William Bell, Ann Morgenthaler, Shani Wittenberg, Jackie Bubenik



Recommendation

Consider for approval the award of an Irrigation Replacement contract to Stryker and Company, INC., of Montrose, CO. in the amount of \$802,073.74.

Background

The irrigation systems at Lions and Buckley Parks were installed in the early 1980s. These systems have aged beyond their useful life and over the last several years have been quite problematic in keeping the Parks irrigated. The City's Parks Division completed design of the new irrigation system in 2021 and, through estimates from suppliers and vendors, included the replacement project in the 2022 budget.

In November 2021 the City issued an RFP for the complete replacement of the irrigation system which includes the pump house, control system, main lines and irrigation system at Buckley and Lions Park. The City reached out to several contractors in the area to invite them to bid on this project. We received a single bid from Stryker and Company as described below.

Stryker and Company, Inc. Montrose, CO
\$802,073.74

The City's Public Works team met with Stryker and Company prior to making this recommendation to review their proposal and to determine what the cause is for the proposed contract amount being over what the City had budgeted. Ultimately the price increases on materials and supplies are very volatile at this time and make estimating a project costs nearly impossible. The suppliers for piping and fittings are only able to hold their pricing for one week. Due to the long relationship with a local supplier the City is able to get the pricing held on materials for this project until the potential award on February 15th. In addition to material cost issues, the construction industry in the Montrose area is under a lot of pressure with the high amount of construction projects and the reduced available labor. This is reflected in the fact that we only received one bid on this project, even after reaching out to several local contractors to be sure they were aware of the project. The City has had very positive experience working with Stryker on several projects in the past and have a high confidence level in their ability to manage this project and to keep costs as low as possible.

Financial Impact

The contract that is being recommended for award with Stryker and Company, Inc. will be a Not-to-Exceed contract that is billed out as work is performed based on the rates provided in the bid sheet. The not-to-exceed amount is \$802,073.74 which includes about \$72,000 in contingency (10%). Due to the amount of boring and trenching involved in the project, there is the potential that the contingency will be utilized for unforeseen conditions. This project was budgeted in the 2022 budget 100-5150-962-000 at \$750,000. The recommended award amount is \$52,073.74 over the budgeted amount and could potentially be supplemented, if necessary, later in 2022.



VALVE SCHEDULE

NUMBER	MODEL	SIZE	TYPE	GPM	DESIGN PSI	FRICTION LOSS	VALVE LOSS	PSI	PRECIP
1	RAIN BIRD PESB-PRS	1-1/2"	TURF ROTOR	30.80	40	4.15	3.59	47.74	0.57 in/h
2	RAIN BIRD PESB-PRS	2"	TURF ROTOR	85.20	60	3.28	4.79	68.06	1.07 in/h
3	RAIN BIRD PESB-PRS	2"	TURF ROTOR	85.20	60	3.07	4.79	67.85	1.02 in/h
4	RAIN BIRD PESB-PRS	2"	TURF ROTOR	96.80	60	3.64	5.11	68.75	0.87 in/h
5	RAIN BIRD 300-BPES	3"	TURF ROTOR	103.90	60	2.93	67.19	1.07 in/h	
6	RAIN BIRD PESB-PRS	1-1/2"	TURF ROTARY	68.00	45	2.64	4.90	52.54	0.64 in/h
7	RAIN BIRD PESB-PRS	2"	TURF ROTOR	94.50	60	1.20	5.05	66.24	1.55 in/h
8	RAIN BIRD PESB-PRS	2"	TURF ROTOR	89.80	60	2.71	4.91	67.62	1.17 in/h
9	RAIN BIRD PESB-PRS	2"	TURF ROTOR	94.40	60	2.45	5.04	67.50	1.28 in/h
10	RAIN BIRD PESB-PRS	2"	TURF ROTOR	94.40	60	4.29	5.04	69.34	0.99 in/h
11	RAIN BIRD 300-BPES	3"	TURF ROTOR	104.00	60	3.24	2.92	66.16	0.93 in/h
12	RAIN BIRD PESB-PRS	2"	TURF ROTOR	85.20	60	3.45	4.79	68.24	0.45 in/h
13	RAIN BIRD 300-BPES	3"	TURF ROTOR	102.30	60	1.45	3.04	64.49	1.13 in/h
14	RAIN BIRD 300-BPES	3"	TURF ROTOR	119.60	60	3.36	1.83	65.19	1.20 in/h
15	RAIN BIRD 300-BPES	3"	TURF ROTOR	113.40	60	1.54	2.26	63.80	1.07 in/h
16	RAIN BIRD PESB-PRS	2"	TURF ROTOR	75.60	60	1.11	4.52	65.63	0.45 in/h
17	RAIN BIRD PESB-PRS	2"	TURF ROTOR	75.60	60	1.18	4.52	65.70	0.55 in/h
18	RAIN BIRD 300-BPES	3"	TURF ROTOR	113.40	60	1.40	2.26	63.66	1.32 in/h
19	RAIN BIRD 300-BPES	3"	TURF ROTOR	115.70	60	2.30	2.10	64.40	0.78 in/h
20	RAIN BIRD PESB-PRS	2"	TURF ROTOR	75.60	60	1.17	4.52	65.69	1.44 in/h
21	RAIN BIRD 300-BPES	3"	TURF ROTOR	113.40	60	1.32	2.26	63.58	1.81 in/h
22	RAIN BIRD 300-BPES	3"	TURF ROTOR	113.40	60	1.32	2.26	63.58	1.59 in/h
23	RAIN BIRD 300-BPES	3"	TURF ROTOR	113.40	60	2.97	2.26	65.24	0.89 in/h
24	RAIN BIRD PESB-PRS	2"	TURF ROTOR	94.50	60	1.97	5.05	67.02	0.46 in/h
25	RAIN BIRD PESB-PRS	2"	TURF ROTOR	94.50	60	1.45	5.05	66.49	0.44 in/h
26	RAIN BIRD 300-BPES	3"	TURF ROTOR	113.40	60	1.49	2.26	63.75	0.83 in/h
27	RAIN BIRD 300-BPES	3"	TURF ROTARY	110.52	45	2.46	4.75	52.22	0.59 in/h
28	RAIN BIRD PESB-PRS	2"	TURF ROTOR	94.50	60	2.34	5.05	67.39	1.57 in/h

WATERING SCHEDULE

NUMBER	MODEL	TYPE	PRECIP	SUN	MON	TUE	WED	THU	FRI	SAT	IN/WEEK	MIN/WEEK	GAL/WEEK	GAL/DAY
1	RAIN BIRD PESB-PRS	TURF ROTOR	0.57 in/h		43 min	43 min	43 min	43 min	43 min		211	6,499	1,300	
2	RAIN BIRD PESB-PRS	TURF ROTOR	1.07 in/h		23 min	23 min	23 min	23 min	23 min		112	9,542	1,908	
3	RAIN BIRD PESB-PRS	TURF ROTOR	1.02 in/h		24 min	24 min	24 min	24 min	24 min		119	10,139	2,028	
4	RAIN BIRD PESB-PRS	TURF ROTOR	0.87 in/h		28 min	28 min	28 min	28 min	28 min		138	13,358	2,672	
5	RAIN BIRD 300-BPES	TURF ROTOR	1.07 in/h		23 min	23 min	23 min	23 min	23 min		112	11,637	2,327	
6	RAIN BIRD PESB-PRS	TURF ROTARY	0.64 in/h		38 min	38 min	38 min	38 min	38 min		188	12,783	2,557	
7	RAIN BIRD PESB-PRS	TURF ROTOR	1.55 in/h		16 min	16 min	16 min	16 min	16 min		78	7,371	1,474	
8	RAIN BIRD PESB-PRS	TURF ROTOR	1.17 in/h		21 min	21 min	21 min	21 min	21 min		103	9,249	1,850	
9	RAIN BIRD PESB-PRS	TURF ROTOR	1.28 in/h		19 min	19 min	19 min	19 min	19 min		94	8,874	1,775	
10	RAIN BIRD PESB-PRS	TURF ROTOR	0.99 in/h		25 min	25 min	25 min	25 min	25 min		121	11,422	2,284	
11	RAIN BIRD 300-BPES	TURF ROTOR	0.93 in/h		26 min	26 min	26 min	26 min	26 min		130	13,520	2,704	
12	RAIN BIRD PESB-PRS	TURF ROTOR	0.45 in/h		54 min	54 min	54 min	54 min	54 min		270	22,748	4,550	
13	RAIN BIRD 300-BPES	TURF ROTOR	1.13 in/h		22 min	22 min	22 min	22 min	22 min		106	10,844	2,169	
14	RAIN BIRD 300-BPES	TURF ROTOR	1.20 in/h		21 min	21 min	21 min	21 min	21 min		101	12,080	2,416	
15	RAIN BIRD 300-BPES	TURF ROTOR	1.07 in/h		23 min	23 min	23 min	23 min	23 min		113	12,814	2,563	
16	RAIN BIRD PESB-PRS	TURF ROTOR	0.45 in/h		54 min	54 min	54 min	54 min	54 min		270	20,412	4,082	
17	RAIN BIRD PESB-PRS	TURF ROTOR	0.55 in/h		44 min	44 min	44 min	44 min	44 min		219	16,556	3,311	
18	RAIN BIRD 300-BPES	TURF ROTOR	1.32 in/h		19 min	19 min	19 min	19 min	19 min		91	10,319	2,064	
19	RAIN BIRD 300-BPES	TURF ROTOR	0.78 in/h		31 min	31 min	31 min	31 min	31 min		154	17,818	3,564	
20	RAIN BIRD PESB-PRS	TURF ROTOR	1.44 in/h		17 min	17 min	17 min	17 min	17 min		84	6,350	1,270	
21	RAIN BIRD 300-BPES	TURF ROTOR	1.81 in/h		14 min	14 min	14 min	14 min	14 min		67	7,598	1,520	
22	RAIN BIRD 300-BPES	TURF ROTOR	1.59 in/h		16 min	16 min	16 min	16 min	16 min		76	8,618	1,724	
23	RAIN BIRD 300-BPES	TURF ROTOR	0.89 in/h		28 min	28 min	28 min	28 min	28 min		136	15,422	3,084	
24	RAIN BIRD PESB-PRS	TURF ROTOR	0.46 in/h		53 min	53 min	53 min	53 min	53 min		261	24,665	4,933	
25	RAIN BIRD PESB-PRS	TURF ROTOR	0.44 in/h		55 min	55 min	55 min	55 min	55 min		272	25,704	5,141	
26	RAIN BIRD 300-BPES	TURF ROTOR	0.83 in/h		30 min	30 min	30 min	30 min	30 min		146	16,556	3,311	
27	RAIN BIRD 300-BPES	TURF ROTARY	0.59 in/h		41 min	41 min	41 min	41 min	41 min		203	22,435	4,487	
28	RAIN BIRD PESB-PRS	TURF ROTOR	1.57 in/h		16 min	16 min	16 min	16 min	16 min		77	7,277	1,455	
TOTALS:					824	824	824	824	824		4,049	372,611	74,522	

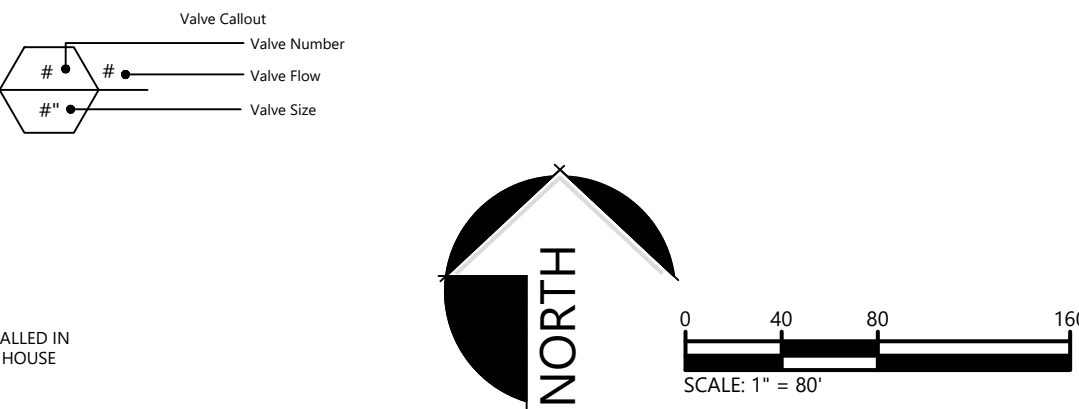
RUNTIMES AND DAYS OF THE WEEK MAY BE ADJUSTED TO FIT THE PARTICULAR NEEDS OF THE MONTROSE PARKS SYSTEMS

IRRIGATION NOTES:

- ALL WORK SHALL BE PER EXISTING COUNTY OR STATE CODE AND IS SUBJECT TO INSPECTION AND APPROVAL BY APPROPRIATE INSPECTORS AND/OR OWNER REPRESENTATIVE. INSTALLER TO BE RESPONSIBLE FOR ALL INSTALLATION STANDARDS, PRACTICES AND ALL PERMIT REQUIREMENTS.
- CITY OF MONTROSE PARKS HAVE PROVIDED ALL BASE AND PLANTING INFORMATION. ANY DISCREPANCIES BETWEEN SAID INFORMATION AND THESE IRRIGATION PLANS SHALL BE THEIR RESPONSIBILITY. THE INSTALLER WILL ASSUME ALL COSTS AND LIABILITIES ASSOCIATED WITH ANY AND ALL FIELD CHANGES TO THE SYSTEM DESIGN.
- THE SYSTEM IS DESIGNED TO OPERATE FROM THE SOURCE WITH A FLOW OF 340 GALLONS PER MINUTE (GPM) AT 80 POUNDS PER SQUARE INCH (PSI) AT THE POINT OF CONNECTION, UNLESS OTHERWISE NOTED ON THE PLANS. SOURCE FLOW AND PRESSURE ARE THE RESPONSIBILITY OF OTHERS. THIS INFORMATION IS BASED ON PUMP SPECS PROVIDED BY MUNRO PUMPS AND SUPPLY.
- ALL PIPE TO BE SLEEVED WHEREVER CONCRETE, ASPHALT, OR ANY HARD SURFACES ARE TO BE OVERLAID. ALL SLEEVES TO BE 2 TIMES THE DIAMETER OF THE PIPE TO BE SLEEVED. MAIN LINE SLEEVES TO HAVE AN ADDITIONAL 4" INCH SLEEVE IN PARALLEL FOR CONTROL WIRES.
- IRRIGATION PLAN IS A DIAGRAMMATIC SINGLE LINE DRAWING. ANY COMPONENTS SHOWN ON PLAN OUTSIDE OF LANDSCAPE ARE SHOWN FOR CLARITY ONLY. MULTIPLE PIPES MAY BE INSTALLED IN THE SAME TRENCH WHEN PROPER PIPE SPACING CAN BE MAINTAINED.
- MAIN LINE TO BE BURIED 24" (INCH) TO TOP OF PIPE.
- CONTROL WIRES TO BE ROUTED WITH MAIN LINE AND ATTACHED AT 24" INCREMENTS WITH PLASTIC WIRE TIES OR DUCT TAPE. WIRE SPLICES TO BE LOCATED IN A 10" (INCH) ROUND OR LARGER VALVE BOX AT LEAST.
- SWING PIPE TO BE USED ON ALL SPRINKLER HEADS UNDER 6 GPM AND SWING JOINTS ON ALL HEADS OVER 6 GPM. MAXIMUM LENGTH OF SWING PIPE TO BE 5' (FOOT).
- ISOLATION VALVES TO BE LOCATED IN 10" (INCH) ROUND VALVE BOX OR LARGER.
- FOR OBSTRUCTIONS (ELECTRICAL TRANSFORMERS, TREES, FIRE HYDRANTS, ETC.), THAT WILL INTERFERE WITH PROPER COVERAGE OF SPRINKLER HEADS, WILL REQUIRE THE ADDITION OF PROPERLY PATTERNED HEADS AROUND OBSTRUCTION AS TO PROVIDE HEAD TO HEAD COVERAGE TO ALL IRRIGATED AREAS.
- SPRINKLER HEADS TO BE SET PERPENDICULAR TO FINISHED GRADE AND ADJUSTED TO PREVENT OVER SPRAY ONTO NON IRRIGATED AREAS.
- LATERALS ARE SIZED AT TRANSITIONS ONLY. SEGMENTS THAT ARE NOT NOTED WILL BE THE SAME SIZE AS ADJACENT SEGMENTS. UP STREAM SEGMENTS WILL NEVER BE SMALLER THAN ANY DOWN STREAM SEGMENTS ON THE SAME LATERAL.

IRRIGATION SCHEDULE

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	QTY	PSI
1	RAIN BIRD R-VAN14 RD-04-SAM-P45 TURF ROTARY, 8'-14' 45-270 DEGREES AND 360 DEGREES. HAND ADJUSTABLE MULTI-STREAM ROTARY W/RD1800 TURF SPRAY BODY ON 4.0" POP-UP, WITH CHECK VALVE AND 45 PSI IN-STEM PRESSURE REGULATOR, 1/2" NPT FEMALE THREADED INLET.	10	45
2	RAIN BIRD R-VAN18 RD-04-SAM-P45 TURF ROTARY, 13'-18' 45-270 DEGREES AND 360 DEGREES. HAND ADJUSTABLE MULTI-STREAM ROTARY W/RD1800 TURF SPRAY BODY ON 4.0" POP-UP, WITH CHECK VALVE AND 45 PSI IN-STEM PRESSURE REGULATOR, 1/2" NPT FEMALE THREADED INLET.	18	45
3	RAIN BIRD R-VAN18 RD-04-SAM-P45 TURF ROTARY, 13'-18' 45-270 DEGREES AND 360 DEGREES. HAND ADJUSTABLE MULTI-STREAM ROTARY W/RD1800 TURF SPRAY BODY ON 4.0" POP-UP, WITH CHECK VALVE AND 45 PSI IN-STEM PRESSURE REGULATOR, 1/2" NPT FEMALE THREADED INLET.	4	45
4	RAIN BIRD R-VAN24 RD-04-SAM-P45 TURF ROTARY, 17'-24' 45-270 DEGREES AND 360 DEGREES. HAND ADJUSTABLE MULTI-STREAM ROTARY W/RD1800 TURF SPRAY BODY ON 4.0" POP-UP, WITH CHECK VALVE AND 45 PSI IN-STEM PRESSURE REGULATOR, 1/2" NPT FEMALE THREADED INLET.	57	45
5	RAIN BIRD R-VAN24 RD-04-SAM-P45 TURF ROTARY, 17'-24' 45-270 DEGREES AND 360 DEGREES. HAND ADJUSTABLE MULTI-STREAM ROTARY W/RD1800 TURF SPRAY BODY ON 4.0" POP-UP, WITH CHECK VALVE AND 45 PSI IN-STEM PRESSURE REGULATOR, 1/2" NPT FEMALE THREADED INLET.	18	45
6	RAIN BIRD R-VAN24 RD-04-SAM-P45 TURF ROTARY, 17'-24' 45-270 DEGREES AND 360 DEGREES. HAND ADJUSTABLE MULTI-STREAM ROTARY W/RD1800 TURF SPRAY BODY ON 4.0" POP-UP, WITH CHECK VALVE AND 45 PSI IN-STEM PRESSURE REGULATOR, 1/2" NPT FEMALE THREADED INLET.	83	60
7	RAIN BIRD R-VAN24 RD-04-SAM-P45 TURF ROTARY, 17'-24' 45-270 DEGREES AND 360 DEGREES. HAND ADJUSTABLE MULTI-STREAM ROTARY W/RD1800 TURF SPRAY BODY ON 4.0" POP-UP, WITH CHECK VALVE AND 45 PSI IN-STEM PRESSURE REGULATOR, 1/2" NPT FEMALE THREADED INLET.	6	60
8	K-RAIN 14003-SS TURF ROTOR WITH TRIPLE NOZZLE CONFIGURATION, 4.0" POP-UP, STAINLESS STEEL WITH FACTORY INSTALLED CHECK VALVE, ADJUSTABLE AND FULL CIRCLE. RADIUS FROM 45' TO 77'. STANDARD NOZZLE. FOR COMMERCIAL AND SPORTS TURF APPLICATIONS	14	
9	K-RAIN 14003-SS TURF ROTOR WITH TRIPLE NOZZLE CONFIGURATION, 4.0" POP-UP, STAINLESS STEEL WITH FACTORY INSTALLED CHECK VALVE, ADJUSTABLE AND FULL CIRCLE. RADIUS FROM 45' TO 77'. STANDARD NOZZLE. FOR COMMERCIAL AND SPORTS TURF APPLICATIONS	12	
10	K-RAIN 14003-SS TURF ROTOR WITH TRIPLE NOZZLE CONFIGURATION, 4.0" POP-UP, STAINLESS STEEL WITH FACTORY INSTALLED CHECK VALVE, ADJUSTABLE AND FULL CIRCLE. RADIUS FROM 45' TO 77'. STANDARD NOZZLE. FOR COMMERCIAL AND SPORTS TURF APPLICATIONS	2	
11	K-RAIN 14003-SS TURF ROTOR WITH TRIPLE NOZZLE CONFIGURATION, 4.0" POP-UP, STAINLESS STEEL WITH FACTORY INSTALLED CHECK VALVE, ADJUSTABLE AND FULL CIRCLE. RADIUS FROM 45' TO 77'. STANDARD NOZZLE. FOR COMMERCIAL AND SPORTS TURF APPLICATIONS	14	
12	K-RAIN 14003-SS TURF ROTOR WITH TRIPLE NOZZLE CONFIGURATION, 4.0" POP-UP, STAINLESS STEEL WITH FACTORY INSTALLED CHECK VALVE, ADJUSTABLE AND FULL CIRCLE. RADIUS FROM 45' TO 77'. STANDARD NOZZLE. FOR COMMERCIAL AND SPORTS TURF APPLICATIONS	7	
13	ISOLATION VALVE 6" 6" SMITH COOPER DI FLANGED GATE VALVE WITH OP NUT SERIES 10-FN	6	
14	RAIN BIRD ESP-LXD-LXMSS 50 STATION 2WIRE EXT. STAINLESS STEEL CABINET, FLOW SENSING TO BE INSTALLED IN PUMP HOUSE	1	
15	PROPOSED POC (250 GPM@80 PSI)	1	
16	IRRIGATION LATERAL LINE: PVC CLASS 200 SDR 21 1"	2,897 L.F.	
17	IRRIGATION LATERAL LINE: PVC CLASS 200 SDR 21 1 1/2"	3,604 L.F.	
18	IRRIGATION LATERAL LINE: PVC CLASS 200 SDR 21 2"	2,250 L.F.	
19	IRRIGATION LATERAL LINE: PVC CLASS 200 SDR 21 3"	1,986 L.F.	
20	IRRIGATION MAINLINE: PVC CLASS 200 SDR 21 6"	2,630 L.F.	



CITY OF MONTROSE

MONTHLY SALES, USE & EXCISE TAX REPORT

Date: February 9, 2022

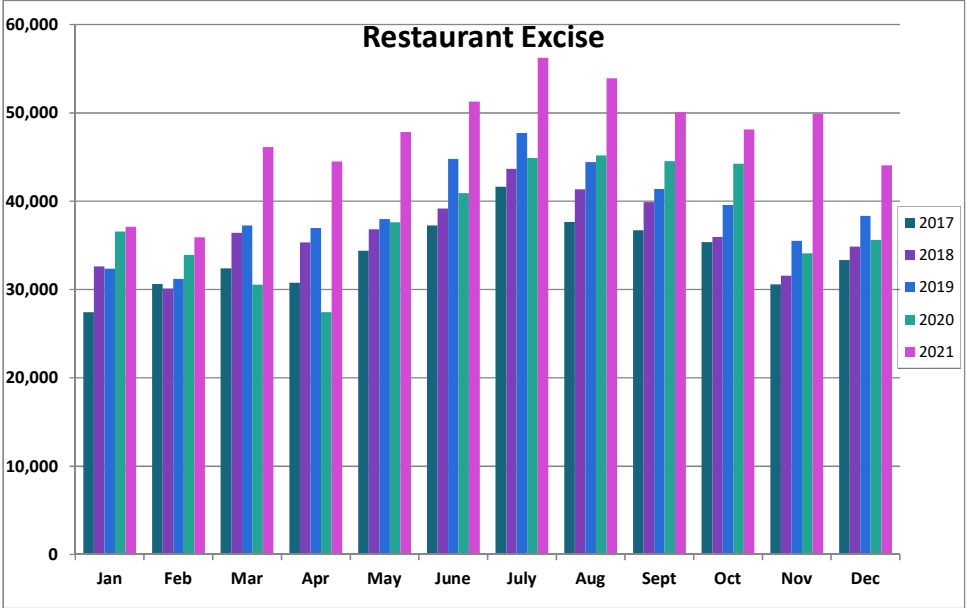
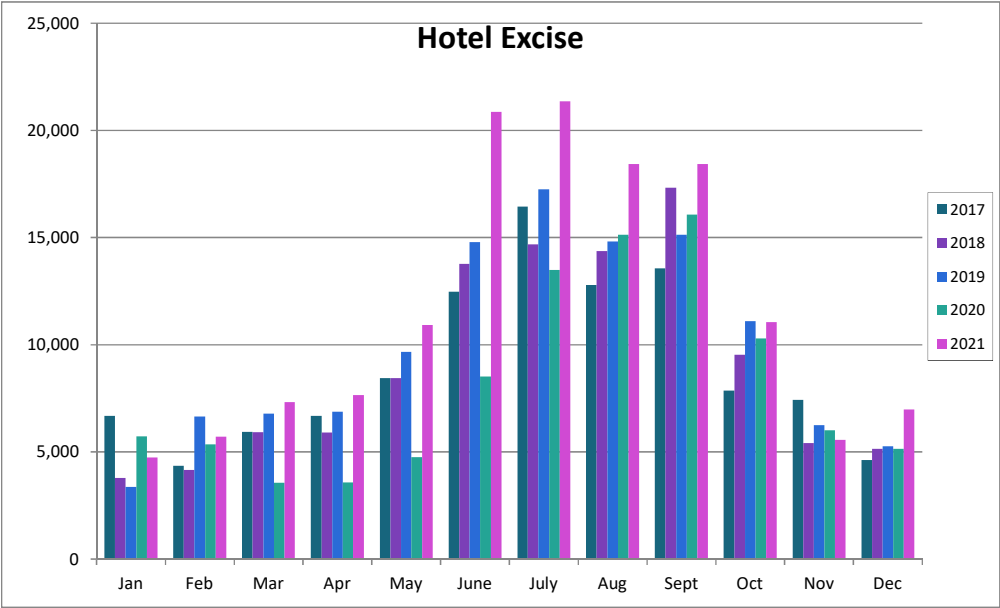
	Retail Sales Tax 3.0%			Construction Use Tax 3.0%			Use & Auto Tax 3.0%			Total Collected Sales and Use Tax			Sales and Use Budget	
Month	Current Year 2021	Prior Year 2020	% of Increase/ Decrease	Current Year 2021	Prior Year 2020	% of Increase/ Decrease	Current Year 2021	Prior Year 2020	% of Increase/ Decrease	Current Year 2021	Prior Year 2020	% of Increase/ Decrease	Budget 2021	Budget Variance 2021
Jan	1,411,880	1,203,514	17.3%	56,829	84,705	-32.9%	106,625	88,502	20.5%	1,575,334	1,376,721	14.4%	1,265,546	24.5%
Feb	1,356,512	1,185,150	14.5%	62,892	22,647	177.7%	111,783	56,034	99.5%	1,531,187	1,263,831	21.2%	1,237,528	23.7%
Mar	1,774,652	1,372,426	29.3%	67,001	77,388	-13.4%	124,961	91,851	36.0%	1,966,614	1,541,665	27.6%	1,429,933	37.5%
Apr	1,648,303	1,207,052	36.6%	76,234	39,830	91.4%	127,030	69,802	82.0%	1,851,567	1,316,683	40.6%	1,265,483	46.3%
May	1,698,414	1,438,087	18.1%	79,135	23,618	235.1%	141,859	78,026	81.8%	1,919,408	1,539,731	24.7%	1,448,498	32.5%
June	1,964,482	1,641,075	19.7%	95,375	11,583	723.4%	142,970	135,352	5.6%	2,202,827	1,788,010	23.2%	1,634,919	34.7%
July	1,907,098	1,572,553	21.3%	61,746	112,599	-45.2%	138,049	118,501	16.5%	2,106,893	1,803,653	16.8%	1,705,494	23.5%
Aug	1,831,308	1,593,074	15.0%	49,002	52,115	-6.0%	128,395	202,786	-36.7%	2,008,705	1,847,975	8.7%	1,631,811	23.1%
Sept	1,913,919	1,703,295	12.4%	34,466	54,191	-36.4%	138,763	112,752	23.1%	2,087,148	1,870,238	11.6%	1,861,130	12.1%
Oct	1,695,082	1,547,599	9.5%	152,991	54,756	179.4%	121,831	91,112	33.7%	1,969,904	1,693,467	16.3%	1,613,842	22.1%
Nov	1,713,128	1,407,108	21.7%	74,003	45,806	61.6%	117,642	90,713	29.7%	1,904,773	1,543,627	23.4%	1,442,288	32.1%
Dec	2,211,753	1,916,982	15.4%	54,098	58,039	-6.8%	143,272	166,885	-14.1%	2,409,123	2,141,906	12.5%	2,045,626	17.8%
YTD Total	21,126,531	17,787,915	18.8%	863,772	637,277	35.5%	1,543,180	1,302,317	18.5%	23,533,483	19,727,509	19.3%	18,582,098	26.6%

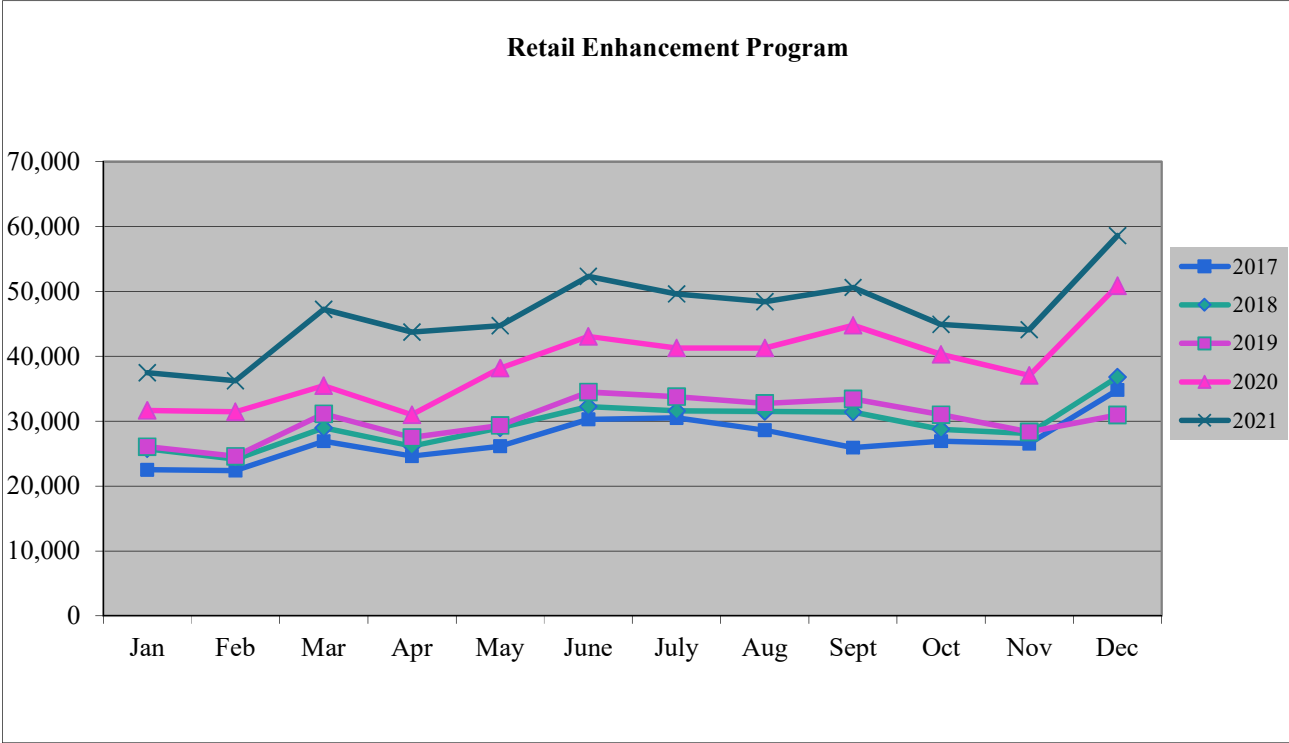
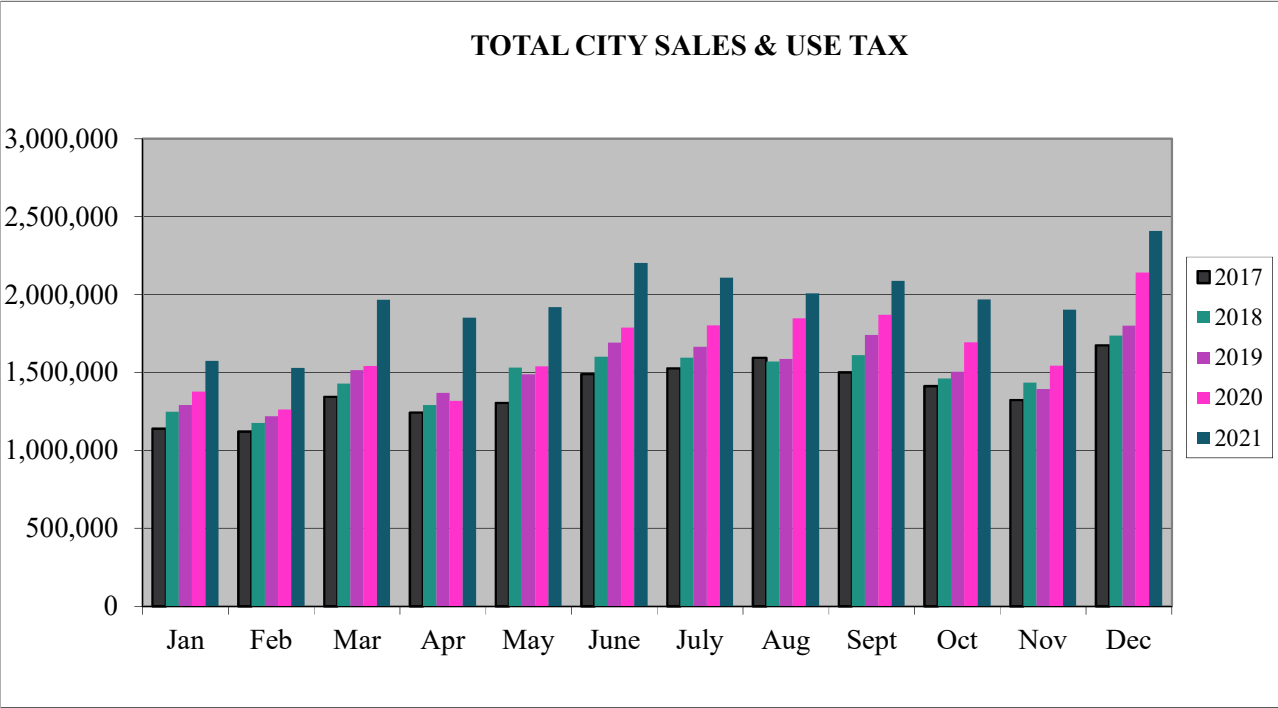
	Montrose Recreation District 0.3%		
Month	Current Year 2021	Prior Year 2020	% of Increase/ Decrease
Jan	158,429	139,852	13.3%
Feb	153,850	127,345	20.8%
Mar	200,342	151,401	32.3%
Apr	185,847	136,016	36.6%
May	202,002	164,739	22.6%
June	221,266	183,266	20.7%
July	218,237	176,598	23.6%
Aug	201,620	177,152	13.8%
Sept	209,452	188,567	11.1%
Oct	197,796	170,428	16.1%
Nov	192,709	155,495	23.9%
Dec*	242,410	216,734	11.8%
YTD Total	2,383,960	1,987,593	19.9%

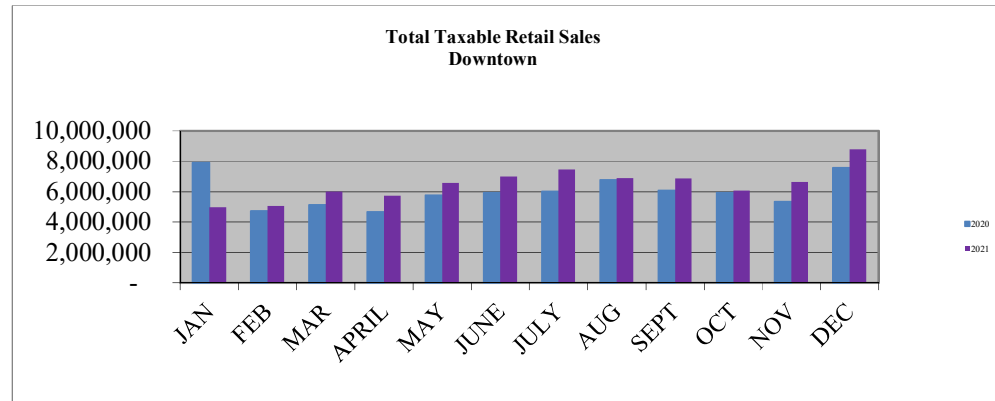
	PSST 0.58%			PSST Budget	
Month	Current Year 2021	Prior Year 2020	% of Increase/ Decrease	Budget 2021	Variance 2021
Jan	306,297	266,270	15.0%	240,667	27.3%
Feb	297,444	245,854	21.0%	223,573	33.0%
Mar	387,339	290,743	33.2%	262,830	47.4%
Apr	420,768	261,461	60.9%	242,255	73.7%
May	390,545	296,593	31.7%	274,045	42.5%
June	427,792	347,302	23.2%	323,805	32.1%
July	421,939	350,564	20.4%	304,182	38.7%
Aug	389,810	356,093	9.5%	323,703	20.4%
Sept	404,949	360,135	12.4%	330,255	22.6%
Oct	382,409	325,640	17.4%	298,826	28.0%
Nov	372,103	297,041	25.3%	272,444	36.6%
Dec*	468,663	414,096	13.2%	378,715	23.8%
YTD Total	4,670,058	3,811,792	22.5%	3,475,300	34.4%

	Retail Enhancement Program		
Month	Current Year 2021	Prior Year 2020	% of Increase/ Decrease
Jan	37,459	31,685	18.2%
Feb	36,231	31,451	15.2%
Mar	47,245	35,475	33.2%
Apr	43,737	30,999	41.1%
May	44,735	38,168	17.2%
June	52,329	43,065	21.5%
July	49,628	41,260	20.3%
Aug	48,433	41,275	17.3%
Sept	50,606	44,767	13.0%
Oct	44,930	40,278	11.5%
Nov	44,087	37,068	18.9%
Dec*	58,625	50,906	15.2%
YTD Total	558,045	466,397	19.7%

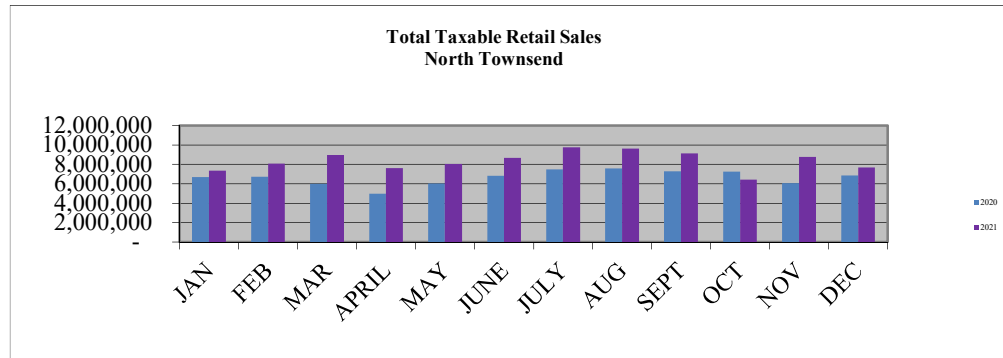
	Hotel Excise Tax 0.90%			Restaurant Excise Tax 0.80%			Total Collected Hotel & Restaurant Tax			Hotel & Restaurant Budget	
	<i>Current</i>	<i>Prior</i>	<i>% of</i>	<i>Current</i>	<i>Prior</i>	<i>% of</i>	<i>Current</i>	<i>Prior</i>	<i>% of</i>	<i>Budget</i>	<i>Budget</i>
Month	<i>Year</i>	<i>Year</i>	<i>Increase/ Decrease</i>	<i>Year</i>	<i>Year</i>	<i>Increase/ Decrease</i>	<i>Year</i>	<i>Year</i>	<i>Increase/ Decrease</i>	<i>Budget</i>	<i>Variance</i>
	2021	2020	Decrease	2021	2020	Decrease	2021	2020	Decrease	2021	2021
Jan	4,738	5,730	-17.3%	37,097	36,572	1.4%	41,835	42,302	-1.1%	42,075	-0.6%
Feb	5,708	5,344	6.8%	35,916	33,931	5.9%	41,624	39,275	6.0%	39,066	6.5%
Mar	7,327	3,556	106.0%	46,125	30,573	50.9%	53,452	34,129	56.6%	32,665	63.6%
Apr	7,655	3,575	114.1%	44,491	27,414	62.3%	52,146	30,989	68.3%	29,708	75.5%
May	10,921	4,766	129.1%	47,843	37,607	27.2%	58,764	42,373	38.7%	38,308	53.4%
June	20,872	8,523	144.9%	51,288	40,903	25.4%	72,160	49,426	46.0%	47,435	52.1%
July	21,355	13,492	58.3%	56,247	44,896	25.3%	77,602	58,388	32.9%	58,750	32.1%
Aug	18,436	15,125	21.9%	53,934	45,180	19.4%	72,370	60,305	20.0%	60,810	19.0%
Sept	18,436	16,073	14.7%	50,063	44,530	12.4%	68,499	60,603	13.0%	61,169	12.0%
Oct	11,061	10,292	7.5%	48,106	44,241	8.7%	59,167	54,533	8.5%	54,540	8.5%
Nov	5,558	6,013	-7.6%	49,895	34,099	46.3%	55,453	40,112	38.2%	39,956	38.8%
Dec	6,985	5,137	36.0%	44,083	35,641	23.7%	51,068	40,778	25.2%	40,518	26.0%
YTD	139,052	97,626	42.4%	565,088	455,588	24.0%	704,140	553,214	27.3%	545,000	29.2%



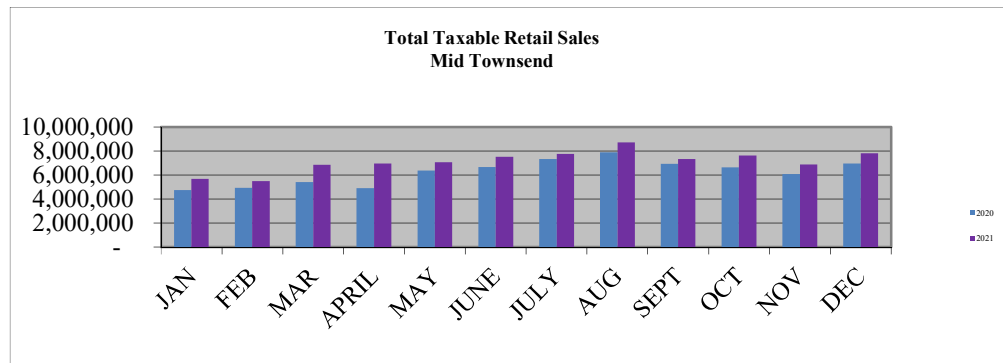




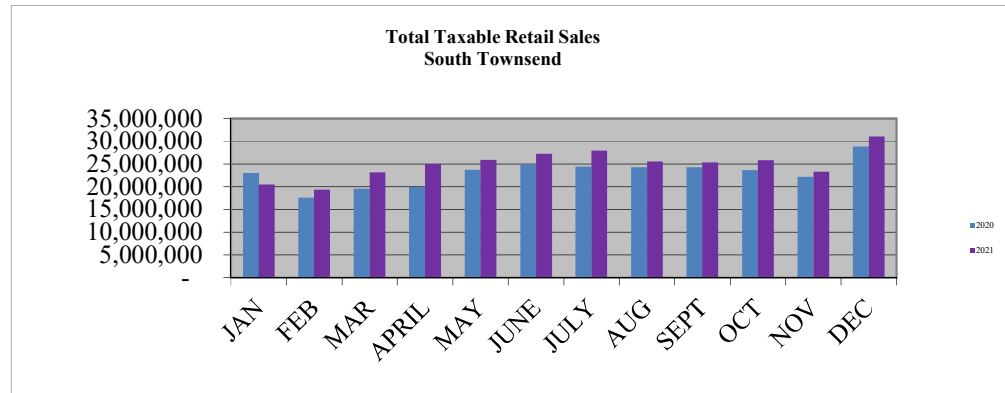
AREA 1: DOWNTOWN BOUNDARY



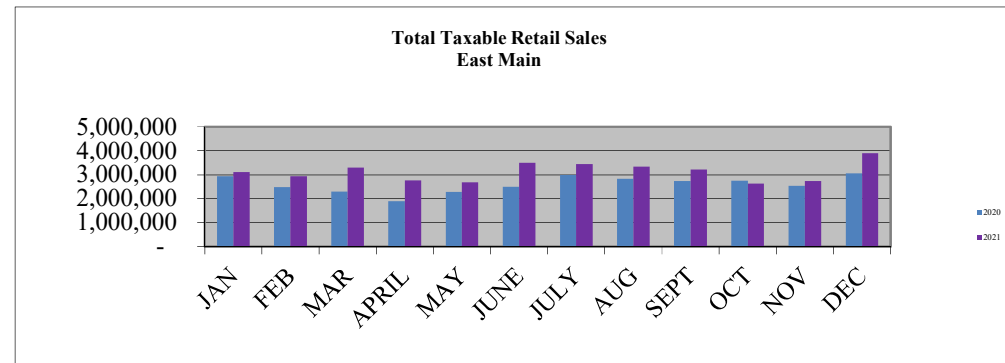
AREA 2: *NORTH CITY LIMIT TO NORTH 2ND STREET



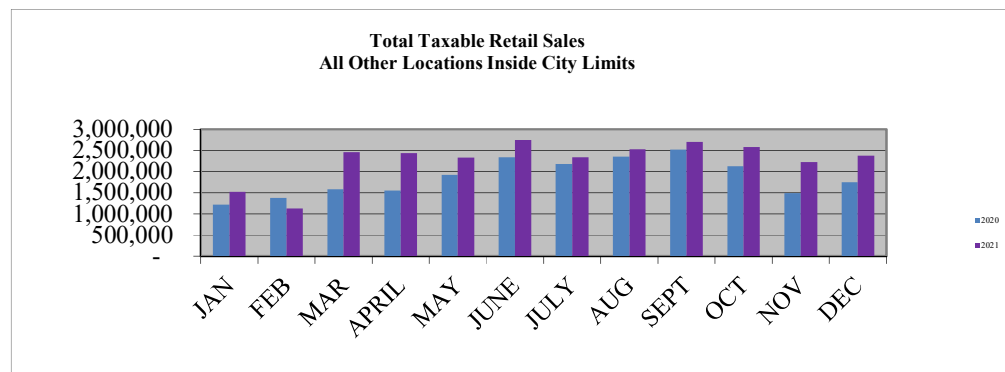
AREA 3: MID TOWNSEND SOUTH 2ND STREET TO E OAK GROVE RD



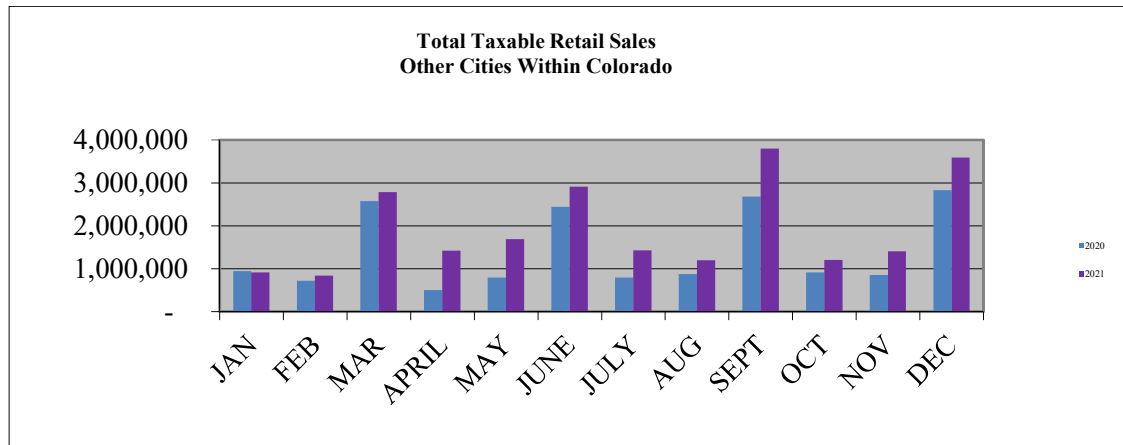
AREA 4: SOUTH TOWNSEND E OAK GROVE RD TO SOUTH CITY LIMIT



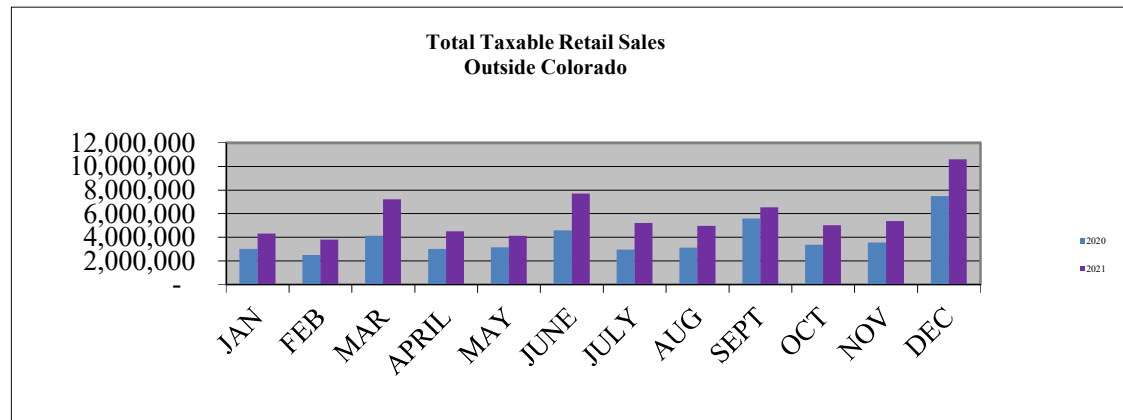
AREA 5: EAST MAIN SAN JUAN AVENUE TO EAST CITY LIMIT



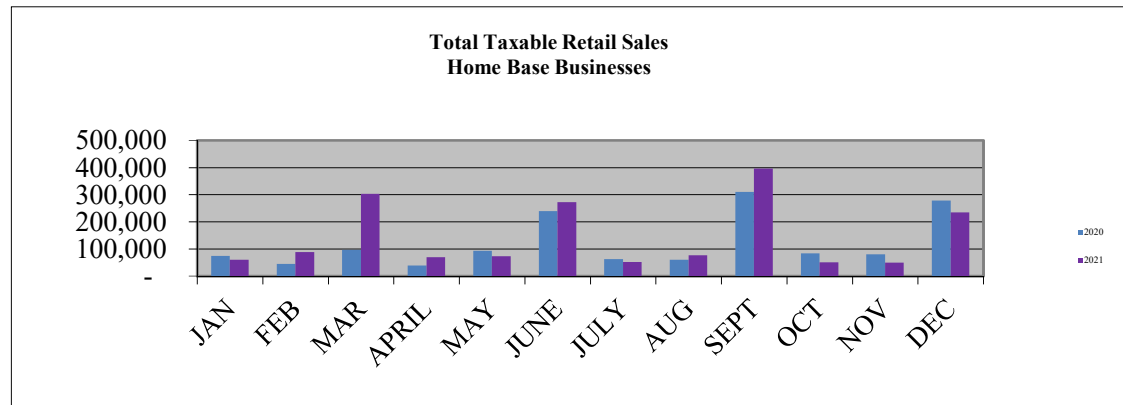
AREA 6: ALL OTHER LOCATIONS INSIDE CITY LIMITS OF MONTROSE



AREA 7: OTHER CITIES WITHIN COLORADO



AREA 8: OUTSIDE COLORADO



AREA 9: HOME BASE BUSINESSES

City of Montrose Quarterly Budget Report

Fourth Quarter Ending December 31, 2021

February 15, 2022

The attached Financial Report represents **unaudited** revenues and expenditures as of the end of the fourth quarter of 2021 with a comparison to the budget.

The main operating fund of the city is the General Fund and revenues have been collected at 129.4% and 97.2% of the budget has been expended. Sales and Use Taxes at 3% comprise more than 75% of the total revenue in the General Fund and no mill levy is assessed. Compared to 2020 collections, retail sales tax collections and total sales and use tax collections increased 18.1% and 19.3% respectively.

On November 5, 2019, the voters approved an increase of .58% to the sales and use tax rate to fund public safety. Compared to 2020 sales and use tax for the Public Safety fund increased 22.5%. Public safety revenues have been collected at 106.4% and 94.7% has been expended in 2021.

On April 1, 2014 voter's approved an additional .3% sales and use tax to be collected by the city which has been used by the Montrose Recreation District to fund the new community recreation center on Woodgate Road. Collections for 2021 through December total \$2,383,960 which is a 19.9% increase over 2020 collections.

The following capital projects were budgeted in the Governmental Funds for 2021. These projects are all in process:

- New Public safety Building – 2021 is the second year of this multi-year project
- Cerise Park Amphitheater Construction - completed
- Construction phase of Woodgate Road Alignment, General Sidewalk Replacement and ADA program
- Birch Street Bridge Replacement – Year 1

	Revenues collected YTD compared to Budget for 2021	Expenses paid YTD compared to Budget for 2021
Water Fund	123.6%	87.2%
Sewer Fund	115.5%	73.1%
Trash & Recycling Fund	94.9%	94.5%
Black Canyon Golf Course	135.8%	123.1%

Water Fund Capital improvement projects include:

- Valve and hydrant replacement
- Sunset Mesa Storage Tank construction
- PRV upgrade and monitoring equipment
- Cerro diversion structure
- Cerise Park Waterline (Year 2)

Sewer Fund Capital improvement projects include:

- Sewer rehabilitation/replacement
- Manhole rehabilitation & H2S lining
- Lift station elimination
- Woodgate Subdivision sewer rebuild – Year 2

This report is provided to give City Council an overall feel for how the city's funds are performing. Please contact Shani Wittenberg, Finance Director with any questions.

UNAUDITED

Treasurer's Report
December 31, 2021

Description	Checking	Savings	CD's	Total	**Restricted Funds	Available Totals
General Fund	622,971.99	10,139,172.12	3,074,122.17	13,836,266.28	297,605.27	13,538,661.01
Public Safety Fund	2,687,913.33	1,801,750.25		4,489,663.58		4,489,663.58
Retail Sales Enhancement	234,257.86	125,111.25		359,369.11	359,369.11	
Tourism	63,887.23	768.12	20,876.24	85,531.59	85,531.59	
Water Fund	429,748.10	6,119,049.77	654,955.05	7,203,752.92	-	7,203,752.92
Sewer Fund	170,347.44	1,508,190.48	1,171,427.57	2,849,965.49		2,849,965.49
Trash/Recycling Fund	82,520.21	463,174.14	-	545,694.35		545,694.35
Black Canyon Golf Course	145,833.71			145,833.71		145,833.71
Fleet Management Fund	1,047,861.41	1,099,629.25	529,112.95	2,676,603.61		2,676,603.61
Information Services Fund	-	-		-		-
Health/Dental Mgmt	132,931.73	2,879,417.83		3,012,349.56		3,012,349.56
Facilities Management Fund	-	-		-		-
Total Operating	5,618,273.01	24,136,263.21	5,450,493.98	35,205,030.20	742,505.97	34,462,524.23
Downtown Improvement	65,750.70	40,615.44	-	106,366.14	106,366.14	
Downtown Opportunity Loan	54,728.21			54,728.21	54,728.21	
Greater Montrose Loan	5,388.78	77,741.51		83,130.29	83,130.29	
Public Education Government	55,399.60	50,051.10	-	105,450.70	105,450.70	
Surplus & Deficiency Fund	13,810.62	-	50,968.06	64,778.68	64,778.68	
Conservation Trust	65,207.30	240,591.94		305,799.24	305,799.24	
Pavilion Capital	6,286.42			6,286.42	6,286.42	
Montrose Urban Renewal	(3,121,057.45)	-		(3,121,057.45)	(3,121,057.45)	
Special Benefit Fund	97,061.46	150,386.73	-	247,448.19	247,448.19	
2010 Excise Tax Bonds	346,315.48			346,315.48	346,315.48	
EDA Fireflow Loan	-			-	-	
Demoret Trust	161.90	2,052.39	327,013.17	329,227.46	329,227.46	
Cemetery Perpetual	(334.01)	120,050.49		119,716.48	119,716.48	
SID Revolving	93,250.32	27,921.50	3,504.98	124,676.80	124,676.80	
Grand/Rio Grande	1,385.08	1,185,720.23	249,670.28	1,436,775.59	1,436,775.59	
Capital Improvements	447,824.25	3,075,719.90	-	3,523,544.15	3,523,544.15	
Civic Campus Upgrades	-	-		-	-	
Total Non-Operating	(1,868,821.34)	4,970,851.23	631,156.49	3,733,186.38	3,733,186.38	
Grand Total	3,749,451.67	29,107,114.44	6,081,650.47	38,938,216.58	4,475,692.35	34,462,524.23

*CD's are available upon maturity.

**Restricted funds are in accordance with Council action, grant, State or Federal Mandate.

Savings Interest Rate .82%

CD Interest Rate Ave is 1.17% Range .96% to 1.70%

CITY OF MONTROSE
REVENUE & EXPENDITURE SUMMARY
as of December 31, 2021 - unaudited

	December	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
GENERAL FUND					
REVENUE					
TAXES (SALES & FRANCHISE)	575,219	23,123,308	19,732,900	(3,390,408)	117.2%
LICENSES & PERMITS	78,831	935,567	458,200	(477,367)	204.2%
INTERGOVERNMENTAL REVENUES	80,091	3,601,886	1,089,577	(2,512,309)	330.6%
CHARGES FOR SERVICES	3,980	71,001	54,700	(16,301)	129.8%
PAVILION REVENUES	979	4,833	118,000	113,167	4.1%
BASEBALL REVENUES	-	16,797	13,200	(3,597)	127.2%
FINES & FORFEITURES	6,543	124,415	166,300	41,885	74.8%
LEASES & RENTAL OF CITY FACILITIES	509	328,369	119,600	(208,769)	274.6%
TRANSFERS FROM OTHER FUNDS	46,799	561,585	601,000	39,415	93.4%
INCOME FROM INVESTMENTS	13,352	31,474	113,900	82,426	27.6%
OTHER FINANCING SOURCES	83	1,000	1,000	0	100.0%
TOTAL REVENUE	806,387	28,800,235	22,468,377		129.4%
TRANSFER FROM RESERVES			2,693,385		
TOTAL REVENUE AND RESERVES	806,387	28,800,235	25,161,762		
EXPENDITURES					
CITY COUNCIL	74,949	216,542	152,399	(64,143)	142.1%
YOUTH COUNCIL	1,411	2,410	4,750	2,340	50.7%
ECONOMIC DEVELOPMENT & COMMUNITY PROG	95,000	395,500	284,000	(111,500)	139.3%
CITY ATTORNEY	47,019	405,735	442,440	36,705	91.7%
CITY MANAGER	37,962	330,342	296,396	(33,946)	111.5%
COMMUNICATIONS	14,060	122,629	129,001	6,372	95.1%
COMPETITIVE SPORTS	2,634	50,887	72,164	21,277	70.5%
HUMAN RESOURCES	37,036	347,244	402,344	55,100	86.3%
PAVILION	62,651	583,653	598,970	15,317	97.4%
GEOGRAPHIC INFORMATION SERVICE	24,161	315,526	324,163	8,637	97.3%
FINANCE	76,766	770,040	774,512	4,472	99.4%
MUNICIPAL COURT	31,015	256,771	255,135	(1,636)	100.6%
TEEN COURT	625	2,725	8,190	5,465	33.3%
PLANNING	34,768	285,394	238,648	(46,746)	119.6%
INNOVATION & COMM ENGAGEMENT	68,961	1,648,709	206,135	(1,442,574)	799.8%
CITY CLERK	25,275	246,078	256,650	10,572	95.9%
BUILDING	32,677	312,200	340,986	28,786	91.6%
ENGINEERING	31,930	290,733	259,615	(31,118)	112.0%
PUBLIC WORKS ADMIN	31,619	293,843	368,312	74,470	79.8%
STREETS	290,198	2,441,682	2,394,307	(47,375)	102.0%
STREET CLEANING	22,777	218,868	363,096	144,228	60.3%
PARKS	103,587	1,361,192	1,551,081	189,889	87.8%
TREE PROGRAM	2,345	11,680	20,000	8,320	58.4%
SUNSET MESA MAINTENANCE	36,530	304,794	150,804	(153,990)	202.1%
CEMETERY	14,164	123,617	154,338	30,721	80.1%
TRANSFERS TO PUBLIC SAFETY AND MRD	(673,173)	12,956,841	14,886,249	1,929,408	87.0%
INSURANCE AND GF FLEET LEASE	37,867	172,875	227,076	54,201	76.1%
TOTAL EXPENDITURES	564,887	24,468,262	25,161,762		97.2%
REVENUE OVER(UNDER) EXP.	241,500	4,331,974	0		

	December	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
PUBLIC SAFETY FUND					
REVENUE					
SALES AND USE TAXES	468,663	4,288,530	3,475,300	(813,230)	123.4%
GRANTS	13,509	77,592	78,000	408	99.5%
CHARGES FOR SERVICES	4,516	78,945	100,100	21,155	78.9%
INSURANCE CLAIMS AND DONATIONS	90	2,442	41,800	39,358	5.8%
INTEREST INCOME	81	1,290	1,000	(290)	129.0%
TRANSFER FROM GENERAL FUND	637,945	7,655,343	7,655,343	-	100.0%
DRUG TASKFORCE	736	21,989	45,000	23,011	48.9%
TOTAL REVENUE	1,125,540	12,126,134	11,396,543		106.4%
TRANSFER FROM RESERVES	-		149,360		
TOTAL REVENUE AND RESERVES	1,125,540	12,126,134	11,545,903		
EXPENDITURES					
POLICE PATROL	468,562	6,277,853	7,619,071	1,341,218	82.4%
POLICE ADMINISTRATION	218,404	2,163,970	2,502,665	338,695	86.5%
DRUG TASKFORCE	35,907	411,788	425,962	14,174	96.7%
CODE ENFORCEMENT	10,396	109,267	114,444	5,177	95.5%
POLICE ACADEMY	15,296	182,761	203,086	20,325	90.0%
ANIMAL SERVICES	73,041	632,116	680,674	48,558	92.9%
TOTAL EXPENDITURES	821,605	9,777,755	11,545,903		84.7%
REVENUE OVER/UNDER EXP	303,935	2,348,379	0		
RETAIL SALES ENHANCEMENT FUND					
REVENUE					
TAXES	58,625	513,114	428,000	(85,114)	119.9%
GRANTS	-	2,624	2,500	(124)	104.9%
OTHER REVENUE	4,455	12,981	10,000		
TRANSFER FROM GENERAL FUND	2,434	29,207	47,207		
TRANSFER FROM RESERVES			35,293		
TOTAL REVENUE	65,515	557,926	523,000	(85,238)	106.7%
EXPENDITURES					
DART/BUSINESS OPERATIONS	37,816	505,300	514,000	8,700	98.3%
MONTROSE UNIVERSITY	1,046	6,815	9,000	2,185	75.7%
TOTAL EXPENDITURES	38,862	512,114	523,000	10,886	
REVENUE OVER(UNDER) EXP.	26,653	45,812	-		
DOWNTOWN IMPROVEMENT FUND					
REVENUE					
INTERGOVERNMENTAL REVENUES	28	56	-	(56)	
OTHER REVENUES	0	8,313	-	(8,313)	
TOTAL REVENUE	28	8,369	-		
TRANSFER FROM RESERVE		1,275	50,000		
TOTAL REVENUE AND RESERVES	28	9,644	50,000		
EXPENDITURES					
DOWNTOWN DEVELOPMENT AUTH	1	1,276	50,000	48,724	2.6%
PUBLIC ART EXPERIENCE	-	-	-	-	
TOTAL EXPENDITURES	1	1,276	50,000	48,724	
REVENUE OVER(UNDER) EXP.	28	8,368	-		
DOWNTOWN OPPORTUNITY FUND					
REVENUE					
INTERGOVERNMENTAL REVENUES	-	-	-	-	
PRINCIPAL & INTEREST PAYMENTS	685	16,295	14,475	(1,820)	112.6%
TRANSFER FROM RESERVES			-		
TOTAL REVENUE	685	16,295	14,475	(1,820)	
EXPENDITURES					
DOWNTOWN OPPORTUNITY FUND	-	-	-	-	
REVENUE OVER(UNDER) EXP.	685	16,295	14,475		

	December	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
GREATER MONTROSE LOAN FUND					
REVENUE					
PRINCIPAL & INTEREST PAYMENTS	679	5,430	6,600	1,170	82.3%
INCOME FROM INVESTMENTS	4	75	-	-	
TOTAL REVENUE	683	5,505	6,600	1,170	
TRANSFER FROM RESERVE	-	-	33,400		
TOTAL REVENUE AND RESERVES	683	5,505	40,000		
EXPENDITURES	-	-	40,000		0.0%
REVENUE OVER(UNDER) EXP.	683	5,505	-		
PUBLIC/EDUCATION/GOVERNMENT					
REVENUE					
PEG FEE	126	15,684	16,000	316	98.0%
INTEREST INCOME	2	45	500	455	
TOTAL REVENUE	128	15,729	16,500	771	95.3%
TRANSFER FROM RESERVE	196	0	6,384		
TOTAL REVENUE AND RESERVES	324	15,729	22,884	-	68.7%
EXPENDITURES	2,589	7,620	22,884	15,264	33.3%
REVENUE OVER(UNDER) EXP.	(2,265)	8,110	-		
SURPLUS & DEFICIENCY FUND					
INTEREST INCOME	-	-	1,000	1,000	0.0%
TRANSFER FROM RESERVES					
TOTAL REVENUE	-	-	1,000	1,000	
TRANSFER TO AMPHITHEATER PROJECT	-	-	-	-	
REVENUE OVER(UNDER) EXP.	-	-	1,000		
CONSERVATION TRUST FUND					
REVENUE					
LOTTERY REVENUE	-	89,465	100,000	10,535	89.5%
INCOME FROM INVESTMENTS	21	209	5,000	4,791	4.2%
TRANSFER FROM RESERVES			315,000		
TOTAL REVENUE	21	89,674	420,000	15,326	21.4%
EXPENDITURES					
CONSERVATION TRUST	145,381	189,941	420,000	230,059	
REVENUE OVER(UNDER) EXP.	(145,360)	(100,267)	-		
MURA - COLORADO OUTDOORS					
REVENUE					
INTERGOVERNMENTAL REVENUES	-	915,207	200,000	(715,207)	457.6%
INTEREST INCOME	-	43	2,500	2,457	1.7%
OTHER FINANCING SOURCES	-	-	-	-	
TOTAL REVENUE	-	915,249	202,500	(712,749)	
EXPENDITURES					
PROFESSIONAL FEES	283,272	2,180,441	3,555,100	1,374,659	
TRAIL DEVELOPMENT - RIVER	-	-	-	-	
UNCOMPAHGRE RIVER WORK	-	493,879	800,000	306,121	61.7%
BUSINESS DEVELOPMENT - PUBLIC IMP	(365,951)	661,197	-	(661,197)	
TOTAL EXPENDITURES	(82,679)	3,335,517	4,355,100	1,019,583	
REVENUE OVER(UNDER)EXP.	82,679	(2,420,268)	(4,152,600)	(1,732,332)	

	December	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
SPECIAL BENEFIT FUND					
REVENUE					
GRANTS	-	-	-	-	
CHARGES FOR SERVICES	-	23,625	37,000	13,375	63.9%
DONATIONS FROM THE COMMUNITY	7,072	19,010	68,300	49,290	27.8%
INTEREST INCOME	2	45	300	255	15.1%
TRANSFER FROM RESERVE		-		-	
TOTAL REVENUES	7,074	42,681	105,600	62,919	40.4%
EXPENDITURES					
CARE OF ANIMALS	8,238	65,128	64,512	(616)	101.0%
SUNSET MESA IMPROVEMENTS	-	-	-	-	
TOTAL EXPENDITURES	8,238	65,128	64,512	(616)	101.0%
REVENUE OVER(UNDER) EXP.	(1,163)	(22,448)	41,088		
TOURISM PROMOTIONAL FUND					
REVENUE					
EXCISE TAX	51,408	650,956	546,500	(104,456)	119.1%
SPECIAL EVENTS	-	650	1,000	350	65.0%
VISITOR GUIDE AD/MERCHANDISE SALES	2,599	22,792	9,500	(13,292)	239.9%
INTEREST INCOME	2	397	1,000	603	39.7%
TOTAL REVENUE	54,009	674,795	558,000	(116,795)	120.9%
TRANSFER FROM RESERVES		116,275	245,152		
TOTAL REVENUE AND RESERVES	54,009	791,070	803,152		98.5%
EXPENDITURES					
MARKETING	33,865	537,066	499,981	(37,086)	107.4%
VISITOR CENTER OPERATIONS	6,194	91,711	118,780	27,069	77.2%
SPECIAL EVENT OPERATIONS	10,144	138,403	152,737	14,334	90.6%
SPORTS TOURISM	2,750	23,989	31,654	7,665	75.8%
TOTAL EXPENDITURES	52,954	791,170	803,152	11,982	98.5%
REVENUE OVER(UNDER) EXP.	1,056	(100)	0		
GENERAL DEBT SERVICE					
REVENUE					
OTHER FINANCING SOURCES	119,365	1,432,381	1,193,651	(238,730)	120.0%
EXPENDITURES					
2010 EXCISE TAX REVENUE BONDS	-	1,195,651	1,197,651	2,000	99.8%
REVENUE OVER(UNDER) EXP.	119,365	236,730	(4,000)		
DEMORET TRUST FUND					
REVENUE					
INCOME FROM INVESTMENTS	14	2,560	100	(2,460)	2559.7%
TRANSFER FROM RESERVES		22,440	24,900		
TOTAL REVENUE AND RESERVES	14	25,000	25,000	(2,460)	
EXPENDITURES					
DEMORET TRUST FUND	-	25,000	25,000		
REVENUE OVER(UNDER) EXP.	14	(0)	-		
CEMETERY PERPETUAL CARE FUND					
REVENUE					
CHARGES FOR SERVICES	-	200	2,000	1,800	10.0%
INCOME FROM INVESTMENTS	5	62	1,000	938	6.2%
TOTAL REVENUE	5	262	3,000	2,738	8.7%
EXPENDITURES					
CEMETERY PERPETUAL CARE	83	1,000	1,000	0	100.0%
REVENUE OVER(UNDER) EXP.	(78)	(738)	2,000		

	December	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
SPECIAL IMPROVEMENTS REVOLVING					
REVENUE					
MONTHLY PRINCIPAL AND INTEREST	20,283	64,377	33,500	(30,877)	192.2%
INCOME FROM INVESTMENTS	27	1,871	10,000	8,129	18.7%
TOTAL REVENUE	20,310	66,248	43,500	(22,748)	
TRANSFER FROM RESERVES			597,500		
TOTAL REVENUE AND RESERVES	20,310	66,248	641,000		
EXPENDITURES					
COUNTY COLLECTION FEE	-	200	1,000	800	20.0%
APARTMENT WATER/SEWER INFRASTRUCTURE	-	640,000	640,000	-	
TOTAL EXPENDITURES	-	640,200	641,000	800	
REVENUE OVER(UNDER) EXP.	20,310	(573,951)	-		
CAPITAL and FACILITY IMPROVEMENT FUND					
REVENUE					
INTERGOVERNMENTAL REVENUES	66,583	(11,693)	85,000	96,693	
GRANT MATCH FROM OTHER ENTITIES	-	237,634	-	(237,634)	
INCOME FROM INVESTMENTS	185	2,893	17,500	14,607	16.5%
TRANSFER FROM GENERAL FUND	266,683	3,480,194	6,833,498	3,353,304	50.9%
TOTAL REVENUE	333,451	3,709,028	6,935,998	3,226,970	53.5%
TRANSFER FROM RESERVES		1,590,846	1,549,806	(41,040)	
TOTAL REVENUE AND RESERVES	333,451	5,299,874	8,485,804		
EXPENDITURES					
FACILITY IMPROVEMENTS	15,145	103,913	75,000	(28,913)	138.6%
CURB/GUTTER/SIDEWALK	71,159	191,168	155,000	(36,168)	123.3%
CAPITAL IMPROVEMENTS	318,404	2,304,119	5,273,304	2,969,185	43.7%
CONNECT TRAIL	-	5,727	-	(5,727)	
BALDRIDGE PARK IMPROVEMENTS	-	2,551,570	2,780,000	228,430	91.8%
DOWNTOWN SALES TAX TIF	-	-	-	-	
TOTAL EXPENDITURES	404,709	5,156,497	8,283,304	3,126,807	62.3%
REVENUE OVER(UNDER) EXP.	(71,258)	143,377	202,500		
WATER FUND					
REVENUE					
INTERGOVERNMENTAL REVENUES	9,714	9,714	7,000	(2,714)	138.8%
WATER REVENUES	318,860	6,042,629	5,583,194	(459,435)	108.2%
WATER CAPACITY FEES	30,355	380,383	253,047	(127,336)	150.3%
INCOME FROM INVESTMENTS	341	4,657	19,250	14,593	24.2%
TOTAL REVENUE	359,270	6,437,383	5,862,491	(574,891)	123.6%
TRANSFER FROM RESERVES	308,850	2,350,886	4,220,847		
TOTAL REVENUE AND RESERVES	668,120	8,788,269	10,083,338	(574,891)	
EXPENDITURES					
RECORDS & COLLECTION	28,348	218,408	203,907	(14,501)	107.1%
WATER DIST & ADMIN	1,060,163	8,374,782	9,684,186	1,309,405	86.5%
WATER DEBT SERVICE	-	195,080	195,245	166	99.9%
TOTAL EXPENDITURES	1,088,512	8,788,269	10,083,338	1,295,069	87.2%
REVENUE OVER(UNDER) EXP.	(420,391)	(0)	0		

	December	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
SEWER FUND					
REVENUE					
CHARGES FOR SERVICES	1,639	22,598	18,000	(4,598)	125.5%
SEWER REVENUES	216,298	3,074,879	2,829,828	(245,051)	108.7%
SEWER LEASE & CAPACITY FEES	64,453	829,984	553,314	(276,669)	150.0%
INCOME FROM INVESTMENTS	234	9,136	6,500	(2,636)	140.5%
TOTAL REVENUE	282,624	3,936,597	3,407,643		115.5%
TRANSFER FROM RESERVES	45,071.00	80,736	2,086,850		
TOTAL REVENUE AND RESERVES	327,695	4,017,333	5,494,493		
EXPENDITURES					
RECORDS & COLLECTION	3,969	37,055	38,480	1,425	96.3%
SEWER LINE MAINT & ADMIN	550,131	2,341,574	3,724,170	1,382,596	62.9%
SEWER TREATMENT	164,186	1,471,548	1,559,046	87,498	94.4%
INDUSTRIAL PRETREATMENT	-	7,546	13,050	5,504	57.8%
SEWER DEBT SERVICE	-	159,611	159,746	136	99.9%
TOTAL EXPENDITURES	718,287	4,017,333	5,494,492		73.1%
REVENUE OVER(UNDER) EXP.	(390,592)	(0)	0		
TRASH & RECYCLING FUND					
REVENUE					
CHARGES FOR SERVICES	154,650	1,842,590	1,776,371	(66,219)	103.7%
SALE OF SUPPLIES	29	6,446	3,918	(2,527)	164.5%
INCOME FROM INVESTMENTS	22	408	4,000	3,592	
TOTAL REVENUE	154,701	1,849,444	1,784,289		94.9%
TRANSFER FROM RESERVES	-	-	164,696		
TOTAL REVENUE AND RESERVES	154,701	1,849,444	1,948,985		
EXPENDITURES					
RECORDS & COLLECTION	4,943	45,053	46,959	1,906	95.9%
SANITATION OPER & ADMIN	240,126	1,795,812	1,902,026	106,214	94.4%
TOTAL EXPENDITURES	245,069	1,840,865	1,948,985	108,120	94.5%
REVENUE OVER(UNDER) EXP.	(90,368)	8,580	(0)		
BLACK CANYON GOLF COURSE					
REVENUE					
GOLF ROUNDS	13,346	590,936	225,100	(365,836)	262.5%
ANNUAL MEMBERSHIPS	1,550	139,663	103,200	(36,463)	135.3%
OTHER SALES	6,563	120,833	127,300	6,467	94.9%
TRANSFER FROM GENERAL FUND	53,310	639,716	642,418	2,702	99.6%
TOTAL REVENUE	74,769	1,491,148	1,098,018		135.8%
EXPENDITURES					
TURF MAINTENANCE OPERATIONS	47,094	584,867	651,044	66,177	89.8%
BUSINESS OPERATIONS/CLUBHOUSE	34,431	473,889	446,974	(26,915)	106.0%
RUSTY PUTTER RESTAURANT	26,090	292,848	-	(292,848)	
TOTAL EXPENDITURES	107,614	1,351,605	1,098,018	(253,586)	123.1%
REVENUE OVER(UNDER) EXP.	(32,845)	139,543	(0)		

	December	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
FLEET MANAGEMENT FUND					
REVENUE					
SHARED SERVICES	-	34,755	34,000	(755)	
CHARGES FOR SERVICE	-	3,080	120	(2,960)	
SALE OF ASSETS & EQUIPMENT USAGE	495,083	6,010,235	5,895,055	(115,180)	102.0%
INCOME FROM INVESTMENTS	106	5,508	2,000	(3,508)	
TOTAL REVENUE	495,190	6,053,577	5,931,175		102.1%
TRANSFER FROM RESERVE			68,040		
TOTAL REVENUE AND RESERVES	495,190	6,053,577	5,999,215		
EXPENDITURES					
FLEET MANAGEMENT	194,047	2,615,747	2,707,120	91,372	96.6%
INFORMATION SERVICES	132,983	1,544,360	1,592,766	48,406	97.0%
FACILITY MANAGEMENT	215,494	1,257,218	1,440,883	183,665	87.3%
TOTAL EXPENDITURES	542,524	5,417,326	5,740,769	323,443	
REVENUE OVER(UNDER) EXP.	(47,335)	636,252	258,446		
HEALTH & DENTAL MGMT FUND					
REVENUE					
WESTCO PREMIUMS	34,266	358,374	360,000	1,626	99.5%
REFUNDS & REBATES	1,889	30,268	7,000	(23,268)	432.4%
INCOME FROM INVESTMENTS	121	1,624	10,000	8,376	16.2%
FROM OTHER FUNDS WITHIN THE CITY	289,401	2,409,000	2,450,000	41,000	98.3%
TRANSFER FROM RESERVES		630,103	21,243		
TOTAL REVENUE	325,678	3,429,370	2,848,243		120.4%
HEALTH & DENTAL PREMIUMS & CLAIMS	773,136	3,429,370	2,805,757	(623,613)	122.2%
REVENUE OVER(UNDER) EXP.	(447,458)	0	42,486		
MRD SALES AND USE TAX					
REVENUE	2,171,520	2,179,594	1,839,000	(340,594)	118.5%
EXPENDITURE	2,143,414	2,143,414	1,811,807	(331,607)	118.3%
REVENUE OVER(UNDER) EXP	28,106	36,180	27,193	(8,987)	